FEDERAL REGISTER

VOLUME 18 NUMBER 177

Washington, Thursday, September 10, 1953

TITLE 3—THE PRESIDENT

PROCLAMATION 3031

DEATH OF CHIEF JUSTICE FREDERICK MOORE VINSON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, Almighty God, in His infinite wisdom, ended the mortal life of Frederick Moore Vinson, Chief Justice of the United States, at 3:15 A. M., Tuesday, September 8, 1953, in the City of Washington; and

WHEREAS, this eminent Jurist served with outstanding efficiency and great distinction as Legislator, as Cabinet member, and in other positions of high responsibility, and was appointed Chief Justice of the United States in 1946, assuming the office on June 24 of that year; and

WHEREAS, his extraordinary wisdom, his singular patience, and his kindly humor endeared him to all who knew him, and enabled him to overcome many difficulties and to carry out brilliantly the many arduous tasks assigned to him; and

WHEREAS, although his voice is silenced, his faith, his courage, his dignity, and his supreme integrity remain as beacons to guide his fellow men in bringing their best ideals to realization;

NOW THEREFORE, I, Dwight D. Eisenhower, President of the United States of America, do hereby direct that the National Flag be displayed at half staff upon all the public buildings of the United States for thirty days; that the usual and appropriate civil, military, and naval honors be rendered to the memory of the late Chief Justice; and that on all the Embassies, Legations, and Consulates of the United States in foreign countries, the National Flag be flown at half staff for thirty days from the receipt of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this eighth day of September in the year of our Lord Nineteen Hundred and Fifty-Three, and of the independence of the United States of America the One Hundred and Seventy-eighth.

[SEAL] DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 53-7942; Filed, Sept. 9, 1953; 11:38 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SMALL BUSINESS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, the positions listed below are excepted from the competitive service under Schedule A.

§ 6.164 *Small Business Administration.* (a) Not to exceed June 30, 1955, 13 Regional Directors and 13 Associate Regional Directors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-7889; Filed, Sept. 9, 1953; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1953–54 FISCAL YEAR

Notice was published in the August 14, 1953, daily issue of FEDERAL REGISTER

(Continued on p. 5445)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

(18 F. R. 4859) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1953–54 fiscal year under the marketing agreement, as amended, and Order No. 40, as amended (7 CFR, Part 940) regulating the handling of peaches grown in the County of Mesa in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order) it is hereby found and determined that:

§ 940.205 *Expenses and rate of assessment for the 1953–54 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order (§§ 940.1 to 940.95) for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1953, will amount to $5,040.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at seven-tenths of one cent (0.007) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the rate of assessment in accordance with the provisions of the amended marketing agreement and order, is applicable to all peaches shipped during the aforesaid fiscal year; (2) such shipments are now in progress and are subject to the regulatory provisions of Peach Order 1 (7 CFR 940.305; 18 F. R. 4739) (3) the provisions hereof do not impose any obligation on a handler until such handler ships peaches; and (4) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, the terms "handler," "shipped," "shipments," "peaches," and "fiscal year" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 3d day of September 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-7670; Filed, Sept. 9, 1953; 8:51 a. m.]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

SUBPART—RULES AND REGULATIONS

Notice is hereby given of the approval of the revision, hereinafter set forth, of the rules and regulations (7 CFR 951.100 et seq., Subpart—Rules and Regulations) of the Industry Committee, established under the marketing agreement, as amended, and Order 51, as amended (7 CFR Part 951, 18 F. R. 4902), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

On August 13, 1953, the Acting Secretary of Agriculture issued certain amendments (18 F. R. 4902) to the said amended marketing agreement and order which revised substantially the regulatory provisions thereof. Consequently, it is necessary that the rules and regulations also be revised. Such revision should be made effective as soon as possible since shipments of grapes have already begun and the revised rules and regulations should, in order to effectuate such amendments, be applicable during as large a portion of the current grape shipping season as is practicable. It is hereby found, therefore, that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.)

The aforesaid rules and regulations are hereby revised to read as follows:

DEFINITIONS

GENERAL

NOTICE OF RECOMMENDATIONS AND REGULATIONS; EXEMPTION CERTIFICATES

VOLUME REGULATION

LOAN TRANSACTION

SAFEGUARDS WITH RESPECT TO SHIPMENTS WITHIN THE PRODUCTION AREA AND SHIPMENTS BY TRUCK

HANDLERS' REPORTS

SHIPMENTS NOT SUBJECT TO REGULATION

AUTHORITY: §§ 951.100 to 951.170 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

DEFINITIONS

§ 951.100 *Order.* "Order" means Order No. 51, as amended (§§ 951.1 to 951.94; 18 F. R. 4902) regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California.

§ 951.101 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 93, as amended.

§ 951.102 *Other terms.* "Other terms" used in this subpart shall have the same meaning as when used in the marketing agreement and order.

§ 951.103 *Standard package.* "Standard package" means the standard grape lug No. 37G specified in section 828.53 of the Agricultural Code of California.

GENERAL

§ 951.118 *Communications.* Unless otherwise prescribed in this subpart or in the marketing agreement and order, or required by the Industry Committee, all reports, applications, submittals, re-

quests and communications in connection with the marketing agreement and order shall be addressed to Industry Committee, P O. Box 877, Lodi, California.

NOTICE OF RECOMMENDATIONS AND REGULATIONS; EXEMPTION CERTIFICATES

§ 951.120 *Notice of recommendation.* Notice of each recommendation made by the Industry Committee to the Secretary with respect to regulation of the shipment of grapes pursuant to § 951.50, § 951.55, or § 951.60, or the modification, suspension, or termination of any such regulation pursuant to § 951.60 or § 951.73, shall be given by the Industry Committee by having a general statement of the contents of the recommendation published once as a news item in a newspaper of general circulation in the City of Lodi, California, and once in a newspaper of general circulation in the City of Sacramento, California.

§ 951.121 *Notice of regulation.* Notice of each regulation of the shipment of grapes, and of each modification, suspension, or termination thereof, shall be given by the Industry Committee by having a general statement of the contents of the regulation, modification, suspension, or termination, as the case may be, mailed to each handler whose name appears on the records of the Industry Committee for the then current year, and by having such statement published once as a news item in a newspaper of general circulation in the City of Lodi, California, and once in a newspaper of general circulation in the City of Sacramento, California.

§ 951.122 *Exemption certificates.* Exemption certificates shall be issued by the Industry Committee pursuant to the following:

(a) Applications for exemption certificates shall be submitted to the Industry Committee on forms prescribed and furnished by the committee and shall contain the following information:

(1) Name and address of applicant.

(2) Location of vineyard from which grapes are to be shipped pursuant to the exemption certificate.

(3) The name, if any, of the vineyard, the number of acres and age of vines of the grapes with respect to which exemption is requested.

(4) Total quantity of Tokay grapes produced in the aforesaid vineyard for each of the preceding three seasons, the quantity shipped in fresh form for each of such seasons, and the quantity shipped under exemption certificates for each of such seasons.

(5) Quantity of grapes applicant has shipped in fresh fruit channels and disposed of otherwise from the beginning of the current season to the date of the application.

(6) The conditions beyond the control of the applicant which prevent the grapes for which exemption is requested from meeting the requirements of the grade and size regulation then in effect.

(7) Name of shipper if different from applicant.

(8) Such additional information as the Industry Committee may require in order to determine whether the applicant is entitled to an exemption certificate.

(b) It shall be the sole responsibility of the applicant to furnish requisite proof to the Industry Committee of the conditions beyond his control affecting his grapes. Conditions beyond the control of the grower may include adverse climatic conditions, excesses or shortages of water not caused by faulty irrigation practices, or other conditions not resulting from the failure of the grower to follow proper cultural and harvesting practices.

(c) The Industry Committee shall promptly investigate all statements contained in the application and thereafter shall determine whether such application shall be approved. Approval shall be evidenced by the issuance to the applicant of an exemption certificate. In the case of disapproval, a written notice of such disapproval and the reasons therefor shall be forwarded to the applicant.

(d) Each exemption certificate issued shall be on a form prescribed by the Industry Committee and shall be signed by the Secretary or Assistant Secretary of the committee. It shall specify the defects for which exemption is granted and the period during which the exemption certificate shall be effective. Each exemption certificate shall be effective only for the defects specified therein. It shall be issued in quadruplicate; and one copy shall be delivered to the grower, one copy shall be delivered to the shipper designated by the grower to receive a copy, one copy shall be delivered to the field representative of the Industry Committee, and one copy shall be retained by the Industry Committee.

(e) The committee may at any time, cancel or modify an exemption certificate if it is determined that the need for such exemption no longer exists or that a different quantity of the restricted or prohibited grades and sizes than that provided by such exemption certificate will permit the applicant to ship the requisite percentage of his crop.

(f) Each shipper handling Tokay grapes pursuant to an exemption certificate shall keep an accurate record of all shipments, made pursuant to the certificate, in the appropriate blank spaces provided for therein. Such record shall include with respect to each shipment, the date, the number of railroad car or license number of the truck in which such shipment is made, the name of the shipper, the shipping point, the consignment number, and the quantity of each size and grade of Tokay grapes in such shipment. When the quantity of grapes authorized by the exemption certificate has been shipped or shipments pursuant to an exemption certificate have been completed, the exemption certificate containing the record of shipments shall be submitted promptly to the Industry Committee or its duly authorized representative.

VOLUME REGULATION

§ 951.130 *Application for allotment.* Each person who proposes to ship grapes as the first handler thereof during any period in which grapes may be regulated pursuant to § 951.61 shall submit to the Industry Committee, on forms prescribed and furnished by such committee, a written application for allotment. Such application shall be submitted on such dates as the Industry Committee may from time to time designate, shall contain the information prescribed in § 951.63 (a) and, in addition, shall contain a certification to the United States Department of Agriculture and the Industry Committee as to the truthfulness of the information contained therein.

§ 951.131 *Adjustments to correct errors, omissions, or inaccuracies.* Whenever the Industry Committee determines that an error, omission, or inaccuracy has resulted in a handler receiving more or less allotment than that to which he was entitled, the allotments of such handler shall thereafter be adjusted during a maximum period of four consecutive allotment periods (or the balance of the then current season if less than four allotment periods) *Provided,* That, insofar as possible, the amount of adjustment for any allotment period shall not exceed one-half of the total allotment issued to such handler for such period, and, where necessary to comply with this limitation, the maximum period may be extended. Such adjustments shall be made only during the season in which the errors, omissions, or inaccuracies occurred.

§ 951.132 *Certificate of Allotment.* On the day preceding each allotment period, Certificates of Allotment for such period shall be mailed to each handler entitled to an allotment. Not later than the end of the second day of such allotment period, a Certificate of Revised Allotment shall be mailed to handlers. Each such certificate shall contain: (a) The date of issuance, (b) the name and address of the handler to whom issued, (c) the allotment period to which applicable, (d) the total allotment issued to such handler pursuant to § § 951.62 (a) and 951.65. In addition to the foregoing information, each Certificate of Revised Allotment shall show adjustments by reason of prior undershipments, overshipments, and repayment of loans and any deductions pursuant to § 951.65 (d)

§ 951.133 *Transfers from one handler to another* Any person gaining the right to ship grapes from a vineyard by reason of a grower's transfer of his grapes to such person may submit an application to the Industry Committee on such form as it shall prescribe for an increase in his allotment percentage. Such application shall contain: (a) The date of application, (b) the name and address of the applicant, (c) the name and address of the grower, (d) the name and location of the vineyard involved, (e) the date such transfer became effective, (f) the record of shipments of Tokay grapes from such vineyard during the two previous seasons, and (g) a verification of the transfer signed by the person losing the right to ship such grapes or by the grower. In the event the verification is signed by the grower, the application must also contain a certification by such grower to the United States Department of Agriculture and

to the Industry Committee that he had the right to make such transfer.

§ 951.134 *Overshipment and undershipment of daily allotment.* (a) Each handler may overship his daily allotment during any allotment period by not to exceed 10 percent of his total allotment for such period or the equivalent of 1,105 standard packages of grapes, whichever is the greater.

(b) Whenever a handler has allotment available by reason of a prior undershipment of his daily allotment, the portion of such undershipment which he may use during any one day shall not exceed 10 percent of his total allotment for the allotment period in which the undershipment occurred or the equivalent of 1,105 standard packages of grapes, whichever is the greater.

LOAN TRANSACTION

§ 951.140 *Report of loan transactions.* Except as provided in § 951.69 (d) each handler entering into an allotment loan agreement shall report such transaction to the Industry Committee by telephone or telegraph immediately upon completion of the transaction. Such report shall contain (a) the date of the loan transaction, (b) the name and address of the handler loaning the allotment, (c) the name and address of the handler borrowing the allotment, (d) the allotment period during which the allotment was loaned, (e) the amount of allotment loaned in terms of the number of standard packages, or the equivalent thereof in weight, and (f) the allotment period during which repayment is to be made.

§ 951.141 *Confirmation of loan transaction.* The Industry Committee, upon receipt of a report from the parties to an allotment loan transaction, shall prepare, and forward to each party, a confirmation of the loan agreement.

§ 951.142 *Loans arranged by the Industry Committee.* All requests made to the Industry Committee under § 951.69 (d) will be handled in the order in which received. Each loan agreement arranged by the committee shall be confirmed in the manner prescribed in § 951.141.

SAFEGUARDS WITH RESPECT TO SHIPMENTS WITHIN THE PRODUCTION AREA AND SHIPMENTS BY TRUCK

§ 951.150 *Shipments within area of production.* With respect to each shipment of grapes to a destination within the production area, each handler shall first obtain from the purchaser a certification, on such form as is prescribed by the Industry Committee, to the United States Department of Agriculture and the Industry Committee that such grapes are for delivery to a destination within the production area and will not be shipped from the production area. Such certificate shall state the date of shipment, the quantity of grapes included in the shipment, the truck license number or other identification of the carrier of the grapes, and the signature and address of the purchaser, or his agent. The certificate shall also be signed by the handler and shall be forwarded to the Industry Committee within 48 hours after the time of the shipment.

§ 951.151 *Assignment of allotment certificates.* Assignment of allotment certificates shall be issued in triplicate on the form prescribed by the Industry Committee. The original shall be mailed to the Industry Committee at time of issuance; the duplicate shall accompany the shipment at all times until it arrives at destination; and the triplicate shall be retained by the handler issuing the certificate.

HANDLERS' REPORTS

§ 951.160 *Reports.* Each handler of Tokay grapes shall furnish, or shall authorize any or all railroad, transportation or cold storage agencies to furnish, daily to the Industry Committee, during such periods as shall be required by it, the following information:

(a) A report of all grapes packed by or for such handler. Such report shall show separately for each vineyard for which adjusted allotment has been issued, the name of the grower and the quantity of grapes packed.

(b) A report of all shipments, including the origin of the shipment, the date of billing, the destination, any diversion orders issued on such shipment, the name and address of any refrigerated storage warehouse within the State of California to which the shipment is consigned either in transit or otherwise, the car or truck license number, the number of standard packages of grapes or the billing weight thereof. Such report shall include all shipments from refrigerated storage warehouses within the State of California.

(c) The grade of all grapes shipped.

(d) In addition to all other information required to be supplied by said handler as set forth in this section, each handler who ships grapes for which an exemption certificate is required under the provisions of § 951.51 shall furnish to the confidential employees of the Industry Committee complete daily information with respect to each such shipment as follows:

(1) The name of the grower for whom such grapes were shipped;

(2) The grade and size of such grapes; and

(3) The number of the exemption certificate under which such grapes were shipped.

SHIPMENTS NOT SUBJECT TO REGULATION

§ 951.170 *Grapes not subject to regulation.*—(a) *Grapes for charitable purposes.* Any person who ships Tokay grapes for consumption by charitable institutions or for distribution by relief agencies or for relief purposes shall first deliver to the Industry Committee or its designated agent evidence satisfactory to the committee or its designated agent that said grapes actually will be used for one or more of the aforesaid purposes.

(b) *Grapes for conversion into by-products, including wine and juice.* Each handler who ships grapes to any point outside the State of California, or to any point within the State of California in any container containing less than 200 pounds of grapes, for commercial conversion into by-products, wine, or juice shall first obtain, and furnish to the Industry Committee, a certification to the United States Department of Agriculture and to the Industry Committee, executed by the purchaser of such grapes, that the grapes will be used for by-products, wine, or juice purposes.

(c) *Shipments by types or in minimum quantities.* Nothing contained in this subpart shall in any way restrict or limit (1) shipments of grapes to any one person during any calendar day in quantities of five standard packages or less, or the equivalent thereof, for purposes other than resale, and (2) shipments of grapes which are donated for trade promotion purposes and which are not to be sold.

Done at Washington, D. C., this 3d day of September 1953, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-7869; Filed, Sept. 9, 1953; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18) the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 2307) are amended as set forth below:

1. Section 146.27 (c) (1) (vi) is changed to read as follows:

§ 146.27 *Penicillin tablets.* * * *

(c) *Labeling.* * * *

(1) * * *

(vi) The statement "Expiration date ----------," the blank being filled in, if crystalline penicillin, procaine penicillin, dibenzylethylenediamine dipenicillin G, or crystalline penicillin O is not used, with the date which is 12 months; or if crystalline penicillin, procaine penicillin, dibenzylethylenediamine dipenicillin G, or crystalline penicillin O is used, with the date which is 36 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

2. In § 146.30 *Penicillin troches,* subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by inserting between the words "36 months" and "after the month" the words "or 48 months".

3. Section 146.54 *Penicillin-streptomycin ointment* * * * is amended in the following respects:

a. In paragraph (a) (3) delete the period at the end thereof and add the following words: "and one or more suitable and harmless preservatives."

b. In paragraph (b) change the words "and if it contains one or more of the sulfonamides" to read: "and if it contains one or more preservatives or sulfonamides"

4. In § 146.204 *Chlortetracycline capsules* * * * subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the figure "36" to "48"

5. Section 146.213 (c) (1) (iv) is changed to read:

§ 146.213 *Chlortetracycline gauze packing* * * *

(c) *Labeling.* * * *

(1) * * *

(iv) The statement "Expiration date _____;" the blank being filled in with the date which is 24 months after the month during which the batch was certified.

6. Section 146.214 (c) (1) (iv) is changed to read:

§ 146.214 *Chlortetracycline dressing* * * *

(c) *Labeling.* * * *

(1) * * *

(iv) The statement "Expiration date _____," the blank being filled in with the date which is 24 months after the month during which the batch was certified.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order, which provides for an expiration date of 48 months for penicillin tablets and penicillin troches if the manufacturer has proved these drugs to be stable for such period of time; for a change in the expiration date of chlortetracycline capsules from 36 to 48 months; for an expiration date of 24 months for chlortetracycline capsules; and for the optional use of one or more suitable and harmless preservatives in the manufacture of penicillin-streptomycin (or dihydrostreptomycin) ointment intended solely for veterinary use, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Dated: September 3, 1953.

[SEAL] RUSSELL R. LARMON,
Acting Secretary.

[F. R. Doc. 53-7868; Filed, Sept. 9, 1953; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

INELIGIBLES; APPLICATIONS

1. In § 561.6, a new paragraph (k) is added to read as follows:

§ 561.6 *Ineligibles.* * * *

(k) Applicants will not be eligible whose appointment would cause them to simultaneously hold more than one reserve status. This does not preclude appointment when separation from the current reserve status can be accomplished. For example, a reservist on active duty as such cannot be separated from his current status as long as he is to remain on active duty in that status. His appointment to another reserve status will not be made unless he is to be placed on active duty under the new reserve status.

2. In § 561.13 (b) subparagraph (2) (ix) (*c*) is amended, subdivision (x) is added to subparagraph (2) and subparagraphs (3) (i) (4) (i) (5) (i) and (6) (i) are amended as follows:

§ 561.13 *Applications.* * * *

(b) *Applications and allied papers.* * * *

(2) * * *

(ix) * * *

(c) *For those who have declared their intention of becoming a citizen of the United States.* * * *

NOTE: Declarations of intention dated prior to December 24, 1952, are valid for 7 years. If declaration of intention is dated after December 24, 1952, the evidence of legal entry into the United States for permanent residence indicated in subdivision (ix) (*d*) of this subparagraph will be submitted.

* * * * *

(x) Females who have surrendered rights to custody and control of dependents under 18 years of age through formal adoption or final divorce proceedings will submit a certificate or photostatic copy of instrument which relieved them of such custody and control.

* * * * *

(3) * * *

(i) Forms required by subparagraph (2) of this paragraph, except that documentary evidence of educational qualifications will be submitted only when required by Special Regulations governing the particular branch.

* * * * *

(4) * * *

(i) Forms required by subparagraph (2) of this paragraph.

* * * * *

(5) * * *

(i) Forms required by subparagraph (2) of this paragraph.

* * * * *

(6) * * *

(i) Forms required by subparagraph (2) of this paragraph.

[C1, AR 140-105, Aug. 14, 1953 and C2, SR 140-105-1, Aug. 14, 1953] (68 Stat. 481)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F R. Doc. 53-7849; Filed, Sept. 9, 1953; 8:46 a. m.]

PART 561—ARMY RESERVE

SEPARATION FROM SERVICE

In § 561.37 (b) (2) subdivisions (i), (iii) and (xx) are amended, and subdivisions (xxii) (xxiii) (xxiv), and (xxv) are added as follows:

§ 561.37 *Separation from service.* * * *

(b) *Discharge from Reserve duty status.* * * *

(2) *By direction of area commanders or such officers as may be designated by them for that purpose.* (i) Upon expiration of term of enlistment or period of obligated service. The period of service required of a male reservist who was inducted into the active military service after June 19, 1951, or who, having had no prior military service, was initially enlisted or appointed in an Armed Force of the United States or a reserve component thereof after June 19, 1951, while under 26 years of age, is 8 years. A reservist of this category who was enlisted for 3 years will not be discharged upon expiration of term of enlistment but will have his period of service administratively extended to 8 years to fulfill the obligation imposed by section 4 (d) (3) Universal Military Training and Service Act (see also sec. 813, Armed Forces Reserve Act of 1952) Except as otherwise provided in this part, a discharge certificate will not be issued to the reservist until he has completed this obligation.

* * * * *

(iii) Upon enlistment, induction, or acceptance of appointment as a member of any of the Armed Forces or as a Reserve enlisted member or officer thereof, including enlistment in another reserve component for the purpose of participating in an officer training program of that Armed Force. The discharge of a reservist is unnecessary to effect his transfer to the National Guard of the United States. Discharge upon enlistment or acceptance of appointment as provided in this paragraph does not relieve the obligated reservist of the remainder of any obligation he may have incurred pursuant to section 4 (d) (1), (2) or (3) Universal Military Training and Service Act, as amended.

* * * * *

(xx) A noncitizen inducted under the Universal Military Training and Service Act is eligible for transfer to the Army Reserve only upon his own specific request. Noncitizens who were transferred to the Army Reserve other than upon their own specific application may be discharged by reason of having been erroneously transferred.

* * * * *

(xxii) Section 4 (d) (3), Universal Military Training and Service Act, hav-

ing now been officially interpreted as pertaining only to induction and initial enlistment or appointment, the individual with prior service who enlisted or reenlisted as a reservist of the Army after June 19, 1951, while under 26 years of age, and, by virtue of having had prior service in any Armed Force of the United States or reserve component thereof, is now found not to have incurred the 8-year-service obligation imposed by section 4 (d) (3) Universal Military Training and Service Act, may, upon his written request, be discharged when he has served three or more years of that enlistment.

(xxiii) Upon failure to maintain eligibility for retention in the Ready Reserve. This applies only to individuals who have no obligation under the Universal Military Training and Service Act. In lieu of separation, nonobligated individuals who are eligible for transfer to the Retired Reserve may be so transferred upon request.

(xxiv) When Regular Army and Army of the United States personnel transferred to the Army Reserve under pertinent special regulations are found to have been eligible for enlistment as reservists at time of such transfer, as when DD Form 214 contains notation "par. 11, SR 615–105–1 applies."

(xxv) Enlisted men of the Regular Army retired under Public Law 190, 79th Congress, as amended (59 Stat. 539; 10 U. S. C. 948) after completing 20 years of service who are transferred to the Army Reserve as enlisted reservists to complete a total of 30 years of service and who also hold Reserve commissions or warrants, may perform the remainder of their required 30 years of service in their commissioned or warrant officer status rather than their enlisted status in the Army Reserve. Since the Armed Forces Reserve Act of 1952 provides that they may retain only one status, area commanders will afford individuals of this category who are not on active duty an opportunity to elect either officer or enlisted status to complete their required 30 years of service. Those electing to serve in their officer or warrant officer status will be discharged from their enlisted reserve status under the provisions of subparagraph (1) of this paragraph and this subdivision. Those electing to serve in their enlisted status will be discharged from their reserve officer or warrant officer status under pertinent special regulations.

[C1, SR 140–177–1, Aug., 1953] (66 Stat. 481)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53–7850; Filed, Sept. 9, 1953; 8:47 a. m.]

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

ARMY OF OCCUPATION AND NATIONAL DEFENSE SERVICE MEDALS

1. In § 578.48 (a) subparagraph (3) is revised as follows:

§ 578.48 *Army of Occupation Medal.*
* * *

(a) *Requirements.* * * *

(3) Army of Occupation of Japan between September 3, 1945, and April 27, 1952, in the four main islands of Hokkaido, Honshu, Shokoku, and Kyushu, the surrounding smaller islands of the Japanese homeland, the Ryukyu Islands and the Bonin-Volcano Islands. (Service between September 3, 1945, and March 2, 1946, will be conducted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945. In addition, service which meets the requirements for Korean Service Medal as prescribed in § 578.48b of this part will not be counted in determining eligibility for this medal.)

* * * * *

2. A new § 578.48e is added as follows:

§ 578.48e *National Defense Service Medal.* Established by Executive Order 10448.

(a) *Requirements.* Honorable active service for any period between June 27, 1950, and a terminal date to be announced, both dates inclusive.

(b) *Exclusions.* For the purpose of this award, the following persons shall not be considered as performing active service:

(1) Reserve component personnel on short tours of active duty to fulfill training obligations under an inactive training program.

(2) Reserve component personnel on temporary active duty to serve on boards, courts, commissions, etc.

(3) Any person on active duty for the sole purpose of undergoing a physical examination.

(4) Any person on active duty for purposes other than for extended active duty.

(c) *Description.* The medal of bronze 1¼ inches in diameter. (Design to be announced later.) The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a red band (7/16 inch) white stripe (1/32 inch), blue stripe (1/32 inch) white stripe (1/32 inch) red stripe (1/32 inch) yellow band (¼ inch), red stripe (1/32 inch) white stripe (1/32 inch) blue stripe (1/32 inch), white stripe (1/32 inch) red band (7/16 inch).

(d) *Appurtenances.* No appurtenances other than the service ribbon are authorized for use with the National Defense Service Medal.

[C5, AR 600–65, Aug. 19, 1953] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53–7848; Filed, Sept. 9, 1953; 8:46 a. m.]

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

PART 1013—INSPECTION AND ACCEPTANCE

The following is a complete revision of Part 1013.

Sec.
1013.001 Scope of part.
1013.002 General policy.

SUBPART A—INSPECTION

1013.101 Responsibility for inspection.
1013.102 Inspection requirements.
1013.103 Inspection under subcontracts.
1013.104 Contract clauses.

SUBPART B—ACCEPTANCE

1013.201 Responsibility for acceptance.
1013.202 Inspection and acceptance markings.

AUTHORITY: §§ 1013.001 to 1013.202 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161.

DERIVATION: Sec. XIV, AFM 70–6.

§ 1013.001 *Scope of part.* This part implements the provisions of Part 413 of this title, and sets forth the procedures pertaining to the inspection of supplies and services by the Department of the Air Force. Nothing in this part will be construed as waiving compliance with Part 413 of this title.

§ 1013.002 *General policy*—(a) *General.* All supplies and services procured by the Air Force, including supplies which are procured in accordance with the provisions of Subpart A of Part 403 of this title, "Single Department Procurement," will be inspected and accepted in accordance with the provisions of this part. Inspection will be conducted only when a bonafide contract exists, or when there is reasonable assurance that the supplies inspected will be reserved for delivery on Air Force or other military contracts.

(b) *Quality control policy.* Conformance with contractual requirements of supplies presented to the Air Force will be determined on the basis of objective quality evidence. Such evidence will be obtained by the contractor and will be evaluated and verified by the Air Force quality control representative exercising surveillance over the contractor's facility. Evidence may also be obtained independently by Air Force quality control personnel. Product inspection by Air Force quality control personnel will be used to the extent necessary to verify evidence of quality submitted by the contractor, or it may be used to determine acceptability of supplies on an individual or lot basis. The amount of evidence obtained or verified through product inspection by Air Force quality control personnel will depend upon the nature and intended use of the product and the effectiveness of the contractor's control over quality.

SUBPART A—INSPECTION

§ 1013.101 *Responsibility for inspection.* The responsibility for inspection (quality control) as defined in § 413.100 of this title or the arrangement therefor is assigned to the Air Materiel Command which will coordinate and issue detailed inspection procedures. Such responsibility includes responsibility for inspection of supplies and services procured outside the continental limits of the United States, its Territories and possessions. Air Materiel Command may further delegate specific areas of responsibility to insure an effective and

economical Air Force quality control effort.

(a) *Inspection interchange agreements.* Interchange agreements may be extended to foreign government agencies where procurements are being made by the Air Force in countries where suitable quality control practices have been established. Air Force quality control procedures will be used when inspection is performed by the Air Force on supplies procured by or for another department or agency.

(b) *Exchange of inspection services for procurement inspection of petroleum products.* (1) Air Materiel Command is assigned responsibility for procurement inspection and associated administrative functions for all petroleum products procured by the military departments within the geographical area designated as the Midcontinent-Gulf Coast Area. This area is comprised of the States of Montana, North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Ohio, Indiana, Illinois, Iowa, Nebraska, Wyoming, Colorado, Kansas, Missouri, Kentucky, West Virginia, Tennessee, Mississippi, Alabama, Florida, Louisiana, Arkansas, Oklahoma, Texas, and New Mexico. Responsibility includes the conduct of all quality control and inspection operations incident to tanker or barge movement of petroleum products by the Military Sea Transport Service or commercial transportation, and surveillance inspection and quality control at leased storage at refiners' plants within the assigned area. Surveillance inspection and quality control of petroleum products in depots, terminals, and installation storage remains the responsibility of the owning department.

(2) The Department of the Army (Quartermaster Corps) has been assigned identical responsibilities for petroleum procurement inspection within the New England area composed of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and the New Jersey counties of Monmouth, Middlesex, Somerset, Hunterdon, Warren, Sussex, Morris, Passaic, Union, Hudson, Bergen, and Essex.

(3) The Department of the Navy (Chief of Naval Material) has been assigned identical responsibilities for petroleum procurement inspection within the East Coast and West Coast areas composed of the New Jersey counties of Mercer, Burlington, Ocean, Camden, Gloucester, Salem, Cumberland, Atlantic, and Cape May, and the States of Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Washington, Oregon, Idaho, Utah, Nevada, California, and Arizona.

(c) *Inspection for other Government agencies.* "Other Government Agencies" are construed to mean U. S. agencies other than military. Air Force inspection may be performed for other Government agencies when such inspection would not unduly affect military inspection operations.

§ 1013.102 *Inspection requirements*—(a) *General.* In accordance with applicable directives, Air Materiel Command will establish inspection requirements sufficient to determine the acceptability of supplies and services presented to the Air Force. The Air Materiel Command may, when the public interest will be served best, prescribe the conditions under which supplies which are subject to Air Force inspection may be shipped without such inspection being performed in connection with each shipment.

(b) *Points of inspection.* Each Air Force supply contract will specify the place or places at which inspection and/or acceptance of the supplies are to be made by the Government. The contracting and quality control components of Air Materiel Command will collaborate in establishing categories of items which are subject to either source or destination inspection and acceptance. The contracting organization will also coordinate with quality control any unusual cases needing special consideration concerning the proper place of inspection and acceptance. The inspection facilities of the Air Force depots and laboratories will be utilized to the extent practicable in accomplishing inspections or tests which cannot otherwise be properly accomplished.

§ 1013.103 *Inspection under subcontracts.* The Air Materiel Command will prescribe the conditions under which Air Force inspection of materiel delivered under subcontracts shall be conducted at the subcontractor's facility. Normally, Air Force subcontract source inspection will be limited to those items which cannot adequately be inspected upon receipt.

§ 1013.104 *Contract clauses.* Any change to the standard inspection clauses set forth in Part 406 of this title, will be coordinated with the organization responsible for inspection and acceptance or the arrangement therefor. Such changes will be made in accordance with § 1000.109 of this chapter.

SUBPART B—ACCEPTANCE

§ 1013.201 *Responsibility for acceptance.* Acceptance as defined in § 413.200 of this title, or the arrangement therefor, is the responsibility of the Air Materiel Command which may authorize proper Government agents to perform this function. Acceptance is effected through the execution of the prescribed acceptance documents.

§ 1013.202 *Inspection and acceptance markings.* Stamps used by Air Force quality control activities to indicate inspection or acceptance of materiel will be of the designs specified in Part 122 of this title (18 F R. 69)

(a) *Inspection stamps.* The Air Materiel Command will prescribe the conditions under which inspection stamps shall be used. When the use of inspection stamps is appropriate, the design showing an eagle within a circle will be used to identify materiel which has undergone only a partial inspection but has been found by the inspector to be acceptable to the extent that it has been inspected.

(b) *Acceptance stamps.* The design showing an eagle within a square will be used to indicate that the items to which it has been applied have been accepted by the inspector as being in conformance with the requirements of the contract or order.

[SEAL] ERNEST L. WALTERS,
Colonel, U. S. Air Force,
Acting Air Adjutant General.

[F. R. Doc. 53-7847; Filed, Sept. 9, 1953; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. Section 4.192 is revised to read as follows:

§ 4.192 *Payment of burial expenses of deceased war veterans and veterans of the regular establishment*—(a) *Death on or after March 20, 1933, wartime service and Korean conflict.* When a veteran of any war or of the Korean conflict as defined in § 4.194 dies or is buried on or after March 20, 1933, an amount not to exceed $150 (Pub. Law 529, 79th Cong.) (150 Philippine pesos in cases covered by § 4.194 (a) (6)) may be allowed for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, if otherwise entitled under the provisions of §§ 4.192 to 4.207.

(b) *Peacetime service; death on or after October 5, 1940.* When a veteran discharged from the Army, Navy, Air Force, Marine Corps, or Coast Guard for disability incurred in, or aggravated by, service in line of duty, or a veteran of the Army, Navy, Air Force, Marine Corps, or Coast Guard in receipt of compensation for service-connected disability or a veteran of the Philippine Army within the purview of § 4.195 (a) (3) dies after discharge and on or subsequent to October 5, 1940, a sum not to exceed $150 (150 Philippine pesos in cases covered by § 4.195 (a) (3)) may be allowed for burial and funeral expenses and transportation of the body to the place of burial.

(c) *Limitation as to time for filing and perfecting claim.* All claims for reimbursement or direct payment of burial and funeral expenses and transportation of the body must be filed within 2 years subsequent to the date of permanent burial or cremation of the body by the person entitled or by some person acting for him. (See § 3.29 of this chapter.) In the event the claimant's application is not complete at the time of original submission, the claimant and the person acting for him, if any will be notified of the evidence necessary to complete the application, and if such evidence is not received within 1 year from the date of the request therefor no allowance may be paid: *Provided,* That if within the 2-year period from date of permanent burial or cremation, the claim is disallowed because the evidence to complete it was not received within 1 year from request therefor, and a new claim (formal or informal) is filed within such 2-year period, the claimant will be notified of the evidence necessary to complete

the claim and if such evidence is received within 1 year from the date of request therefor, the allowance may be paid if the claimant is otherwise entitled: *Provided,* That as to claims within the purview of § 4.194 (a) (6) or § 4.195 (a) (3) where death occurred prior to April 25, 1951, the time limit for filing claim is extended through April 25, 1953.

(Vet. Reg. 9 (a), as amended; 38 U. S. C. ch. 12)

2. Section 4.194 is revised to read as follows:

§ 4.194 *"Veteran of any war" and Korean conflict; definition of*—(a) *Persons included.* The term "veteran of any war" for the purpose of adjudicating claims for direct payment of, or reimbursement for, burial, funeral, and transportation expenses incurred in behalf of deceased veterans where death was on or subsequent to March 20, 1933, will include:

(1) *Civil War* Any member of the active military or naval service of the United States, discharged under conditions other than dishonorable, who served during the Civil War subsequent to April 11, 1861, and prior to May 27, 1865, including those persons who served as members of State organizations participating in the Civil War for whose services the State has been reimbursed by the United States Government. Nothing in this subparagraph shall be construed to include from the definition any person who was receiving pension as a Civil War veteran under the Civil War service pension laws or who was not entitled to pension under such Civil War service pension laws solely because of length of service or as to whom any special act of Congress has been enacted which provides that such person shall be considered as having rendered military service during the Civil War. Civil War nurses are included in this definition if in receipt of pension for Civil War service.

(2) *Indian Wars.* Any veteran of any Indian war, as formerly contemplated by the provisions of section 201 (1) of the World War Veterans' Act, 1924, as amended, and regulations, precedents, and instructions issued pursuant thereto, or a person who at time of his death was receiving a pension in accordance with the provisions of the laws governing the payment of a pension as a veteran of an Indian war. Pension conferred by a special act does not in itself confer right to the burial allowance unless such act specifically provides that the person shall be considered as having rendered military service during the Indian wars.

(3) *Spanish-American War Boxer Rebellion, and Philippine Insurrection.* Any officer or enlisted man who was employed in the active military or naval service of the United States on or after April 21, 1898, and before July 5, 1902, who was discharged under conditions other than dishonorable, including those women who served as Army nurses under contract or who served in the Nurse Corps (female) and also including contract surgeons of the Army who served overseas during this period: *Provided however* That if the person was serving with the United States military forces engaged in hostilities in the Moro Province, Philippine Islands, the ending date will be extended to include July 15, 1903.

(4) *World War I.* Any officer, enlisted man, member of the Army Nurse Corps (female) Navy Nurse Corps (female) discharged under conditions other than dishonorable, who was employed in the active military or naval service of the United States on or after April 6, 1917, and before November 12, 1918: *Provided however* That if the person was serving with the United States military or naval forces in Russia, the ending date will be extended through April 1, 1920. The provisions of section 5, Public No. 304, 75th Congress, are not applicable to burial claims.

(5) *World War II.* Any person discharged or released from active duty under conditions other than dishonorable, who served in the active military or naval service of the United States during the period from December 7, 1941, through December 31, 1946, both dates inclusive: *Provided,* That the term "active military or naval service" as used in this subparagraph shall include active duty as a member of the Women's Army Auxiliary Corps (WAAC) Women's Army Corps (WAC) Women's Reserve of the Navy, Marine Corps, and Coast Guard.

(6) *Philippine Army and guerrilla service ("recognized" and "unrecognized")* Any person separated from such service under conditions other than dishonorable who served on or after December 7, 1941, in the organized military forces of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States, dated July 26, 1941, including among such military forces those who served in a guerrilla force under a commissioned officer of the United States Army, Navy, or Marine Corps, or under a commissioned officer of the Commonwealth Army recognized by and cooperating with the United States forces. The following certifications by the service department of "recognized" and "unrecognized" guerrilla service will be accepted as establishing guerrilla service: (i) Recognized guerrilla service; (ii) unrecognized guerrilla service under a recognized commissioned officer where the conditions set forth in Veterans' Administration claims procedures are met. Separation from service will be deemed to have occurred on the date of release from active duty, date of discharge, or June 30, 1946, whichever is the earlier. The provisions of §§ 3.1 (c) and 3.59 (c) of this chapter are for application in determining the date of release from active duty (Pub. Law 21, 82d Cong.).

(7) *Korean conflict.* Any person discharged or released from active duty under conditions other than dishonorable, who served in the active military or naval service of the United States on or after June 27, 1950, and prior to such future date as may be determined by presidential proclamation or by concurrent resolution of the Congress (Pub. Law 28, 82d Cong.).

(8) *Retired personnel.* Any enlisted man or officer of the Army, Navy, Air Force, Marine Corps, or Coast Guard in retirement status at the date of death if shown to have served during the period of any war or the Korean conflict.

(b) *Character of discharge.* For payment of or reimbursement for burial, funeral, and transportation expenses, under Veterans' Regulation 9 (a), as amended, the period of active service upon which claim is based must have been terminated by discharge or release under conditions other than dishonorable (sec. 1503, Pub. Law 346, 78th Cong.). The provisions of section 300, Public Law 346, 78th Congress, and of § 3.64 of this chapter are for application in determining whether the requirements as to character of discharge have been met.

(c) *Persons not included.* (1) Except as provided in § 4.196 (c) a discharged or rejected draftee or selectee; a member of the National Guard who reported to camp in answer to the President's call for World War I or World War II service, but who, when medically examined, was not finally accepted for active military service; or an alien who does not come within the purview of § 3.1 (j) of this chapter, is not a "veteran of any war" within the meaning of that term as defined in paragraph (a) of this section, even though such person may have been in receipt of compensation or pension.

(2) Philippine scouts enlisted on or after October 6, 1945, under section 14 of Public Law 190, 79th Congress, are not entitled to burial allowance.

(Vet. Regs. 9 (a) and 10, as amended, secs. 300, 1503, 58 Stat. 286, 301, 65 Stat. 32, 40; 38 U. S. C. 633g, 697c, 745, ch. 12)

3. In § 4.195, paragraphs (a) and (b) are amended to read as follows:

§ 4.195 *"Veteran" (other than "veteran of any war"), definition of*—(a) *Persons included.* The term "veteran" (other than a "veteran of any war") for the purpose of adjudicating claims for the direct payment of, or reimbursement for, burial, funeral, and transportation expenses incurred in behalf of deceased veterans where death occurred on or subsequent to October 5, 1940, will include: (1) A veteran discharged or retired from active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard for disability incurred in, or aggravated by, service in line of duty or (2) a veteran in receipt of compensation for service-connected disability (Pub. No. 796, 76th Cong., and sec. 2, Pub. No. 866, 76th Cong.) or (3) a veteran who served prior to December 7, 1941, in the organized military forces of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States dated July 26, 1941, and who was either discharged for disability incurred in, or aggravated by, service in line of duty, or was in receipt of compensation for service-connected disability (Pub. Law 21, 82d Cong.).

(b) *Discharge for disability incurred in line of duty.* For veterans discharged or retired from the Army, Navy, Air

Force, Marine Corps, or Coast Guard for disability who are not in receipt of compensation for service-connected disability the official records of the service department showing that the disability on account of which the veteran was discharged or separated from his service was incurred in line of duty will be accepted for the purpose of determining eligibility to the burial allowance, notwithstanding the fact that the Veterans' Administration has made a determination in connection with a claim for monetary benefits that the disability was not incurred in line of duty.

* * * * *

(Vet. Reg. 9 (a), as amended, 65 Stat. 32; 38 U. S. C. ch. 12)

4. Section 4.196 is revised to read as follows:

§ 4.196 *Death occurring while traveling under prior authorization or while properly hospitalized by the Veterans' Administration.* (a) When a person while traveling under proper prior authorization and at the expense of the Veterans' Administration, either to or from a specified destination, for the purpose of examination, treatment, or care, dies en route, burial, funeral, and transportation expenses will be provided in all respects as though death occurred while properly hospitalized by the Veterans' Administration. Hospitalization under Public Law 865, 80th Congress, does not meet the requirements of this section.

(b) When death occurs within the continental limits of the United States, on or after March 20, 1933, in a hospital or other institution to which properly admitted for hospital or domiciliary care under authority of the Veterans' Administration (State soldiers' homes are not included) there will be paid the actual cost, not to exceed $150, of burial and funeral, and the body will be transported to the place of burial within the continental limits of the United States or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care. Where death occurs while hospitalized under authority of the Veterans' Administration in a territory or possession of the United States, there will be paid, not to exceed $150, the actual cost of burial and funeral, and the body will be transported to the place of burial within such territory or possession (Pub. No. 866, 76th Cong.) If death occurs within the continental limits of the United States in an institution to which properly admitted under authority of the Veterans' Administration for hospital or domiciliary care and burial is to be made without the continental limits of the United States (except Alaska as set forth in the first sentence of this paragraph) transportation will be allowed to the port of embarkation or to the border limits of the United States where burial is in Canada or Mexico.

(c) Reimbursement shall be allowed for burial, funeral, and transportation expenses in the case of a discharged or rejected draftee; a member of the National Guard who reported to camp in answer to the President's call for World War I or World War II service, but who, when medically examined, was not finally accepted for active military service; who dies in an institution to which properly admitted for hospital or domiciliary care under authority of the Veterans' Administration. (See § 4.194 (c).)

(d) Reimbursement shall be allowed for burial, funeral, and transportation expenses in the case of a veteran discharged under conditions other than dishonorable from a period of service other than war service who dies in an institution to which properly admitted under authority of the Veterans' Administration for hospital or domiciliary care in the same manner as a veteran of a war. Hospitalization under Public Law 865, 80th Congress, does not meet the requirements of this section.

(e) A veteran member or patient of a hospital or other institution to which properly admitted under authority of the Veterans' Administration for hospital or domiciliary care, who dies away from such hospital or other institution from which he has been granted a pass (a "pass" does not exceed 72 hours) or who has been absent without leave from such hospital or other institution for not to exceed 24 hours (this does not include cases in which absence without leave arises at the expiration of a pass) may be considered to have died in the hospital or other institution.

(f) Where death occurs in a hospital and it is determined that such person was not properly entitled to hospital treatment, no reimbursement of burial, funeral, and transportation expenses will be allowed.

(Vet. Reg. 9 (a), as amended; 38 U. S. C. ch. 12)

5. A new § 4.197 is added as follows:

§ 4.197 *Forfeiture.* Forfeiture of benefits by a veteran under the provisions of section 504, World War Veterans' Act, as amended, or section 15 of Public Law No. 2, 73d Congress, shall not preclude payment of the statutory burial allowance (sec. 9, Pub. Law No. 866, 76th Cong.)

(Sec. 9, 54 Stat. 1196; 38 U. S. C. 715a)

6. Section 4.198 is revised to read as follows:

§ 4.198 *Evidence required in cases of unclaimed bodies.* If the body of a deceased veteran is unclaimed, there being located no relatives or friends of the deceased veteran who will claim the body, the amount provided for the burial allowance will be available for burial of the deceased upon the submission of a properly completed Application for Burial Allowance, VA Form 8–530, accompanied by a comprehensive statement made by the manager or other official acting in his stead covering all relevant facts in the case and showing specifically to what extent efforts were made to locate relatives or friends. The question of escheat of any part of such a veteran's estate will not be a factor in any claim for the statutory burial allowance.

7. Section 4.199 *Assets* is revoked.

8. In § 4.200, paragraph (c) is amended to read as follows:

§ 4.200 *Filing of claim for unauthorized burial, funeral, and transportation expenses.* * * *

(c) *Waiver by distributees.* In any instance where the burial, funeral, and transportation expenses of a deceased veteran have been paid from the funds of the veteran's estate or some other deceased person's estate and the identity and right of all persons to share in that estate have been established, the amount of the statutory burial allowance payable to heirs may be awarded to one heir upon the unconditional written consent of all other heirs. (The provisions of this section are not to be confused with Veterans' Administration claims procedures where payment is made on an account from personal funds by two or more persons.)

(Vet. Reg. 9 (a), as amended; 38 U. S. C. ch. 12)

9. In § 4.202, paragraph (a) is amended to read as follows:

§ 4.202 *Nonallowable expenses of burial, funeral, and transportation*—(a) *Accessory items.* Items of food and drink (domestic or foreign cases) will not be allowed.

* * * * *

10. In § 4.203, paragraphs (a) (1), (3), (4) and (6) and (b) are amended to read as follows:

§ 4.203 *Transportation, death while properly hospitalized by Veterans' Administration or while traveling under prior authorization*—(a) *Items allowable as part of transportation where shipment is by common carrier* * * *

(1) Charge for the original pick-up of remains at facility or place where death occurred while traveling under prior authorzation (§ 4.196 (a)) The amount to be allowed for this "pick-up" will not exceed the usual and customary charge made to the general public for the same service.

* * * * *

(3) Shipping case. An allowance of not to exceed $25 may be made on the cost of this item as a part of transportation expense, in addition to the statutory allowance on burial and funeral expenses. The balance, if any, of the cost thereof, or the total cost of any other substitute container used for interment purposes may be included in the statutory allowance on burial and funeral expenses.

(4) Sealing outside case (tin or galvanized iron) Where a vault, steel or concrete, is used as a shipping case and also for burial, an allowance of $25 may be made on the cost of the vault as a part of transportation expense, in addition to the statutory burial allowance of $150 as provided in § 4.196, and any balance on such vault may be included in the burial allowance of $150.

* * * * *

(6) Transportation by common carrier, including amounts paid as Federal taxes.

* * * * *

(b) *Items allowable as part of transportation where remains are transported overland by hearse.* In adjudicating claims where death of a person occurs in a Veterans' Administration hospital, or domiciliary activity of a center, or other institution to which properly admitted under authority of the Veterans' Administration for hospital or domiciliary care, or while traveling under prior authorization of the Veterans' Administration, either to or from a specified destination as contemplated by § 4.196 (a) and the remains are transported overland by hearse, the following items will be considered as a part of transportation expense, the cost of which will be allowed in addition to the statutory allowance:

(1) Original pick-up of remains from the Veterans' Administration hospital, domiciliary activity of a center, or other institution to which properly admitted under authority of the Veterans' Administration for hospital or domiciliary care, or place where death occurred while traveling under prior authorization (§ 4.196 (a)) prior to transfer to place of burial; and

(2) Subsequent charge for removal of the remains from the place to which transported on original pick-up under subparagraph (1) of this paragraph, to place of burial. Charges against the Veterans' Administration for transportation accomplished by means other than by common carrier shall not exceed the charge made the general public for the same service.

(Vet. Reg. 9 (a), as amended; 38 U. S. C. ch. 12)

11. In § 4.204, paragraph (a) is amended to read as follows:

§ 4.204 *Payments on burial by lodge, union, burial association, State, county, political subdivision, or Federal agency.* Nothing in §§ 4.192 to 4.207, inclusive, shall be construed to cause the disallowance of a claim by the Veterans' Administration because of any payment made on burial and funeral (including transportation) by a State, county, or other political subdivision, Workmen's Compensation Commission, State Industrial Accident Board, employer, burial association, or Federal agency, unless the amount of expenses incurred in absorbed by the amount actually paid for burial and funeral (including transportation) purposes by such agencies: *Provided,* That no claim shall be allowed for more than the difference between the entire amount of expenses incurred and the amount paid by any or all of the foregoing agencies: *Provided further* That in no instance shall the amount allowed exceed $150. Nothing in this section shall be construed to cause the denial of, or a reduction in, the amount of burial allowance otherwise payable because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services.

(a) *Contributions by lodge, union, fraternal organization, society or beneficial organization, or insurance company.* Any contributions made by a lodge, union, fraternal organization, society or beneficial organization, or insurance company by reason of the death of a veteran will not constitute a bar to the payment of the statutory burial allowance, except where such funds would revert to the funds of the lodge, union, fraternal organization, society or beneficial organization, or insurance company.

* * * * *

12. Section 4.205 is revised to read as follows:

§ 4.205 *Services furnished by the Veterans' Administration and burial flags—*(a) *Cost of services furnished by the Veterans' Administration to be deducted.* In the adjudication of claims filed under § 4.196, the cost of services (burial and funeral) furnished by the Veterans' Administration will be deducted from the burial allowance.

(b) *Reimbursement for cost of flags.* Subsequent to April 14, 1933, no reimbursement in addition to the statutory burial allowance of $150 may be allowed for burial flags privately purchased by relatives, friends, or other parties.

(Vet. Reg. 9 (a), as amended; 38 U. S. C. ch. 12)

13. In § 4.206, the introductory paragraph and paragraph (a) are amended to read as follows:

§ 4.206 *Burial in National Cemeteries; allowances provided.* The allowances provided in §§ 4.192, 4.196, and 4.198 will apply to the burial of the veterans mentioned therein in a National Cemetery under the provisions of section 4878 of the Revised Statutes of the United States (24 U. S. C. 281) when the following conditions have been met:

(a) Such burial is desired by the person or persons entitled to the custody of the body for purposes of interment. In case the body is unclaimed by relatives or friends the official named in paragraph (c) of this section, when notified, will immediately complete arrangements for burial in a National Cemetery.

* * * * *

(Vet. Reg. 9 (a), as amended; 38 U. S. C. ch. 12)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective September 10, 1953.

[SEAL] H. V. STIRLING,
Acting Administrator.

[F. R. Doc. 53-7806; Filed, Sept. 9, 1953; 8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—EDUCATIONAL BENEFITS

PERIODIC REPORTS OF CONDUCT, PROGRESS, AND COMPENSATION FOR PRODUCTIVE LABOR

In § 21.107, paragraph (h) (5) is amended to read as follows:

§ 21.107 *Periodic reports of conduct, progress, and compensation for productive labor.* * * *

(h) *Suspension and discontinuance of subsistence allowance and other training benefits.* * * *

(5) A veteran whose training status has been discontinued for failure to submit a VA Form 7-1963 may not thereafter be reentered in training in the same training institution or establishment nor may a supplemental certificate of eligibility and entitlement be approved for training in a different training institution or establishment until the delinquent form has been submitted to the Veterans' Administration. Benefits may be resumed upon receipt from the training institution or establishment of acceptable evidence showing that the veteran has continued to pursue his course of training, but the resumption of training status under the law, for the purpose of payment of subsistence allowance and other benefits, in cases encompassed by this subparagraph shall not be effective prior to the date the delinquent VA Form 7-1963 is received in the Veterans' Administration, except that where the veteran establishes by acceptable evidence that his failure to supply the delinquent report was directly occasioned by a reason or reasons beyond his control, which reason or reasons continued during the whole of the intervening period, benefits may be resumed effective the date of discontinuance of subsistence allowance.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697-697d, 697f, g, ch. 12 note)

This regulation is effective September 10, 1953.

[SEAL] H. V. STIRLING,
Acting Administrator.

[F. R. Doc. 53-7805; Filed, Sept. 9, 1953; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter O—Payments and Repayments

[Circular 1858]

PART 216—PAYMENTS

FORMS OF REMITTANCES THAT ARE ACCEPTABLE

Section 216.30 is amended by adding thereto a paragraph (c) to read as follows:

§ 216.30 *Forms of remittances that are acceptable.* * * *

(c) Whenever the regulations in this chapter require a deposit, or payment, to be made by certified check, money order, or cash, a bank draft or cashier's check will be accepted in lieu thereof.

(R. S. 2478; 43 U. S. C. 1201)

DOUGLAS MCKAY,
Secretary of the Interior.

SEPTEMBER 2, 1953.

[F. R. Doc. 53-7831; Filed, Sept. 9, 1953; 8:47 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket Nos. 10626, 10627, 10628]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

CORRECTION TO NOTICES OF PROPOSED RULE MAKING

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4368–4438 kc, 8745–8815 kc, 13,130–13,200 kc and 17,290–17,360 kc; Docket No. 10626; amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4133–4177 kc, 6200–6265.5 kc, 8265–8354 kc, 12,400–12,531 kc and 16,530–16,708 kc; Docket No. 10627; amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4063–4133 kc, 8195–8265 kc, 12,330–12,400 kc and 16,460–16,530 kc; Docket No. 10628.

1. Notice is hereby given of a correction in each notice of proposed rule making in the above entitled matters adopted August 5, 1953, and released August 7, 1953, in the issue for August 14, 1953, at 18 F R. 4860–4861.

2. The correction, in the case of each notice, is as follows: Delete the second and third sentences in paragraph 3 and substitute therefor: "The EARC Agreement concluded at Geneva in 1951 provides certain steps and target dates for the clearance and activation of the exclusive maritime mobile bands. The first step has been taken by the ITU in that the date September 1, 1953, has been established for the bringing into use of the Ship Radiotelegraph Calling Bands. Other steps are to follow in accordance with Article 14 of the EARC Agreement."

Adopted: September 2, 1953.

Released: September 2, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 53–7885; Filed, Sept. 9, 1953; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 142]

[File No. 21–431]

RADIO AND TELEVISION INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Radio and Television Industry (comprising a proposed revision and extension of the trade practice rules for the Radio Receiving Set Manufacturing Industry as promulgated by the Commission on July 22, 1939) to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than October 8, 1953. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. s. t., October 8, 1953, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry to which the proposed rules apply is engaged in the manufacture, sale, or distribution in commerce of radio receiving sets, television receiving sets, or combinations thereof, or parts or accessories therefor.

Issued: September 4, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 53–7844; Filed, Sept. 9, 1953; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 250]

REGISTRATION AND GENERAL EXEMPTIONS UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ACQUISITION BY CERTAIN MEMBERS OF SECURITIES ISSUED BY AFFILIATES

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment of § 250.11 (Rule U–11) of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 ("act")

The proposed amendment of Rule U–11 would add a new paragraph, (d), to the rule which would exempt from section 9 (a) (2) of the act the acquisition of any securities issued by a public utility or holding company by a person who is, prior to such acquisition, an affiliate of the issuing company and of any other public utility or holding company and when such affiliations are the result of ownership of voting securities.

Illustrations of instances where the proposed amendment would operate to relieve persons of the necessity of securing the Commission's approval of acquisitions of securities are:

Example I. A person who owns at least 5 percent of the voting securities of company A, which is a holding company with respect to company B, a public utility company, acquires directly additional securities of company A, or acquires indirectly additional securities of company B by reason of the acquisition by company A of such securities of Company B.

Example II. A person who owns at least 5 percent of the voting securities of two or more companies which are public utility or holding companies acquires additional securities of any such companies.

The text of the proposed amendment of § 250.11 (Rule U-11) is as follows:

§ 250.11 *Certain acquisitions by affiliates exempted from section 9 (a) (2)*

* * *

(d) *Acquisitions by certain persons of securities issued by affiliates.* Any person which is not a holding company or a subsidiary of a registered holding company shall be exempt from section 9 (a) (2) of the act with respect to the acquisition of any securities issued by a public utility or holding company of which such person is, prior to such acquisition, an affiliate under section 2 (a) (11) (A) of the act.

All interested persons are invited to submit views and comments on the above-mentioned proposal in writing to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before October 3, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 2, 1953.

[F. R. Doc. 53–7858; Filed, Sept. 9, 1953; 8:48 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (HEALTH AND MEDICAL)

STATEMENT OF FUNCTIONS

Pursuant to the authority vested in me by the National Security Act of 1947, as amended, and by Reorganization Plan No. 6 of 1953, the Assistant Secretary of Defense (Health and Medical), established by Department of Defense directive 5105.1 dated 30 June 1953, shall, in addition to such responsibilities as may be hereafter assigned, have the following responsibilities:

(1) Providing advice and assistance to the Secretary of Defense and his staff on health and medical aspects of De-

partment of Defense policies, plans and programs.

(2) Developing policies and standards for the Department of Defense in the broad fields of health and sanitation; medical care and treatment of patients, and administration of hospitals and related treatment facilities.

(3) Coordinating, as required, the activities of the military departments in health and medical fields to eliminate unnecessary duplication of effort and expenditures.

(4) Developing policies and criteria governing cross-servicing and joint utilization of health and medical facilities by the military departments.

(5) Collaborating with the Assistant Secretary of Defense (Manpower and Personnel) in the:

(a) Development of policies and criteria for determination of health and medical manpower requirements by the military departments;

(b) Review of health and medical manpower requirements of the military departments and their integration into recommended Department of Defense requirements;

(c) Administration of the provisions of pertinent laws pertaining to the induction and call of doctors and other health personnel;

(d) Development and review of policies and criteria governing the procurement, assignment, utilization, and welfare of health and medical personnel by the military departments;

(e) Development and review of plans for health and medical training programs;

(f) Review of the medical portions of the reserve programs of the military departments.

(6) Collaborating with the Assistant Secretary of Defense (Properties and Installations) in the:

(a) Development of policies and standards and the review of programs pertaining to the construction of hospitals and other health and medical installations;

(b) Development of policies and criteria for the acquisition, expansion, restoration, assignment, utilization, maintenance and disposal of health and medical real property;

(c) Review of the military departments' requirements for health and medical real properties as to need.

(7) Collaborating with the Assistant Secretary of Defense (Supply and Logistics) in the development of policies and procedures governing medical supply operations.

(8) Collaborating with the Assistant Secretary of Defense (Research and Development) in the development of policies and the review of requirements for health and medical research by the military departments.

(9) Developing policies for and reviewing requirements of the military departments for bed authorizations, including bed allocations for Veterans' Administration patients in military hospitals and bed allocations for military patients in Veterans' Administration hospitals.

(10) Prescribing standard medical nomenclature, reports and records for use by the military departments.

(11) Formulating policies governing the Blood and Blood Derivatives Program of the Department of Defense.

(12) Formulating policies for and reviewing the professional activities of joint health and medical activities of the Department of Defense.

(13) Developing and recommending health and medical aspects of mobilization and disaster plans and related policies.

(14) Providing for the maintenance of close cooperation and mutual understanding between the Department of Defense and the civil health and medical professions.

(15) Representing or arranging for the representation of the Department of Defense with other governmental, nongovernmental and international organizations on health and medical matters of mutual interest or responsibility.

In the performance of these responsibilities, the Assistant Secretary of Defense (Health and Medical) will, to the extent practicable, utilize the advice, assistance and appropriate facilities of the military departments. Such utilization shall not, however, be so construed or so utilized as to circumvent the established command channels through the secretaries of the military departments for the formal communication of approved policies, plans or other directives.

The Assistant Secretary of Defense (Health and Medical) is hereby delegated the authority to obtain such reports and information from the military departments as are necessary to carry out his responsibilities and is authorized to request the military departments to issue the necessary directives to obtain such reports and information.

Directives recommended by the Assistant Secretary of Defense (Health and Medical) which intend to change established policies or procedures will be signed by the Secretary or Deputy Secretary of Defense and their implementation will be accomplished by the secretaries of the military departments or their designated agents.

A Civilian Health and Medical Advisory Council is also established to advise the Assistant Secretary of Defense on such health and medical matters as he deems appropriate and necessary. The Council shall consist of six civilian members appointed by the Secretary of Defense from among national authorities in the health and medical professional fields of endeavor.

Department of Defense directive 5136.4, Establishment of Assistant to the Secretary of Defense (Health and Medical) dated 14 April 1953 is cancelled and all other directives or memoranda or parts thereof, to the extent they are inconsistent with the provisions of this directive, are modified accordingly or rescinded, as appropriate.

ROGER M. KYES,
Acting Secretary of Defense.

SEPTEMBER 2, 1953.

[F. R. Doc. 53-7846; Filed, Sept. 9, 1953; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

PAINTROCK PROJECT, WYOMING

ORDER OF REVOCATION

JULY 27, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937) I hereby revoke Departmental Order of October 15, 1943, insofar as said order affects the following described land; *Provided, however* That such revocation shall not affect any other order withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 50 N., R. 92 W.,
Sec. 19, SE¼SW¼,
Sec. 30, E½NW¼.

The above areas aggregate 120 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934, 48 Stat. 1272, as amended by section 3 of the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315f) by which the offered land will benefit a Federal land program. The restoration therefore, is not subject to the provisions contained in the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and others.

WILLIAM ZIMMERMAN, JR.,
Acting Director
Bureau of Land Management.

SEPTEMBER 3, 1953.

[F. R. Doc. 53-7890; Filed, Sept. 9, 1953; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MICHIGAN AND MISSOURI

DESIGNATION OF DISASTER AREAS HAVING NEED FOR AGRICULTURAL CREDIT

Pursuant to the authority contained in section 2 (a) of the act of April 6, 1949 (63 Stat. 44; 12 U. S. C. 1148a–2) to designate areas where a production disaster has caused a need for agricultural credit, the following designations were made:

MICHIGAN

Tuscola County, Michigan, was designated, on August 6, 1953, as a disaster area due to severe windstorm damage. After June 30, 1954, disaster loans will not be made except to borrowers who previously received such assistance.

MISSOURI

The following counties were designated, on August 3, 1953, as disaster areas due to drought. After December 31, 1954, disaster loans will not be made

except to borrowers who previously received such assistance.

Dent	Washington
Madison	Wayne
St. Francois	

Done at Washington, D. C., this 4th day of September 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-7893; Filed, Sept. 9, 1953; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. 730]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE ET AL.

NOTICE OF HEARING

The Japan-Atlantic and Gulf Freight Conference on December 24, 1952, pursuant to section 236.3 of General Order 76 (17 F R. 10175, November 11, 1952) filed with the Federal Maritime Board a statement that the Conference proposed the initiation in the trade between Japan, Korea, and Okinawa and United States Atlantic and Gulf ports of certain contract/non-contract rates to become effective 30 days thereafter. The Conference represented that such rates are in the best interests of the commerce of the United States and that the spread or differential between the rates is reasonable and lawful.

Isbrandtsen Co., Inc., and the Department of Justice filed protests and comments objecting to initiation of the proposed rates and alleged; among other things, that the statement of the Conference does not comply with the requirements of General Order 76, and that the institution of the proposed rates is unlawful under the Shipping Act, 1916. The protestants sought suspension of the proposed rates and requested a hearing on the issues raised in the protests and comments.

The Board, on January 21, 1953, ordered that the requests of the Department of Justice and of Isbrandtsen Co., Inc., for a hearing on the protests and comments be granted, but denied the requests of the Department of Justice and of Isbrandtsen Co., Inc., for a suspension of the proposed dual rates.

By order of the United States Court of Appeals for the District of Columbia Circuit, dated March 23, 1953, the effective date of the proposed rates was stayed pending determination by the Court of the lawfulness of so much of the Board's order as purported to permit the proposed rates to go into effect.

At a prehearing conference held before Board's examiner Robert Furness on August 20, 1953, the following understandings were reached by the parties:

(1) The Conference will proceed first in the presentation of evidence without conceding that it has the burden of proof, and the other parties of record will not refer to that procedure in connection with the question of burden of proof either before the Board or before any court.

(2) Isbrandtsen will furnish counsel for the Conference with its schedules showing voyages made from Japan, Korea and Okinawa to United States Gulf and Atlantic coast ports since 1947.

(3) The Department of Agriculture agrees to inform the Conference before the hearing of its position in this proceeding and whether it will introduce evidence.

(4) The Conference will furnish Isbrandtsen with extracts from its minutes relating to the initiation of the proposed rate system.

(5) Counsel for the Board will introduce statistical materials prepared by the staff on the basis of information supplied by the parties.

Notice is hereby given that a public hearing will be held before Examiner Robert Furness of the Federal Maritime Board at New York, N. Y., on October 5, 1953, at 10 o'clock a. m., in the hearing room at 45 Broadway. It will be conducted pursuant to the Board's rules of procedure (18 F R. 3716, 4598) and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding should notify the Board accordingly on or before September 21, 1953, and should file petitions promptly for leave to intervene in accordance with § 201.74 of the Board's rules of procedure.

Dated: September 4, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-7891; Filed, Sept. 9, 1953; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended December 31, 1951, 16 F R. 12043, and June 2, 1952; 17 F. R. 3818)

B-J Dress Co., Broadway and Susquehanna Streets, Mauch Chunk, Pa., effective 8-27-53 to 8-26-54; 10 learners for normal labor turnover purposes (ladies' and children's cotton dresses).

D & D Shirt Co., 1801 Newport Avenue, Northampton, Pa., effective 9-4-53 to 9-3-54; 10 percent of the factory production workers for normal labor turnover purposes (men's sport and dress shirts).

Darlynn Garment Co., 1025 Brush Street, Detroit, Mich., effective 8-27-53 to 8-26-54; 4 learners for normal labor turnover purposes. This certificate does not authorize the employment of learners at subminimum wage rates in the manufacture of skirts (blouses and sportswear).

Federal Sportswear, Inc., 210 Pryor Street, Atlanta, Ga., effective 8-25-53 to 2-10-54; 50 additional learners for expansion purposes (khaki and other cotton sport trousers) (supplemental certificate).

Fruhauf Southwest Garment Co., Inc., 140 East Sixth, Pawhuska, Okla., effective 8-31-53 to 2-28-54; 50 learners for expansion purposes (jackets).

Lackawanna Pants Manufacturing Co., Cedar and Brook Streets, Scranton, Pa., effective 9-8-53 to 9-7-54; 10 percent of the factory production workers for normal labor turnover purposes (trousers).

Movie Star of Mississippi, Inc., Poplarville, Miss., effective 8-28-53 to 2-27-54; 75 learners for expansion purposes (lingerie).

Pearl Manufacturing Co., 52 Twelfth Street, Fall River, Mass., effective 8-27-53 to 8-26-54; 10 percent of the factory production workers for normal labor turnover purposes (cotton dresses).

Southeastern Shirt Corp., 110 Indiana Avenue, LaFollette, Tenn., effective 8-31-53 to 2-28-54; 20 learners for expansion purposes (dress and sport shirts).

Trimble Manufacturing Corp., Trimble, Tenn., effective 8-27-53 to 2-26-54; 15 learners for expansion purposes (men's, ladies', and children's jackets).

Will Manufacturing Co., 210 Pryor Street (second floor), Atlanta, Ga., effective 8-25-53 to 2-10-54; 50 additional learners for expansion purposes (cotton convalescent jackets) (supplemental certificate).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951, 16 F R. 10733)

Southern Hosiery Mill, Inc., 953 C Avenue, Southeast Hickory, N. C., effective 8-26-53 to 8-25-54; 5 percent of the total production force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14)

Bear Brand Hosiery Co., Fayetteville, Ark., effective 9-1-53 to 4-30-54; 25 high school students only for part time employment; looping only, 960 hours, 63 cents per hour for the first 480 and 68 cents per hour for the remaining 480 hours (seamless hosiery) (replacement certificate).

Bear Brand Hosiery Co., Siloam Springs, Ark., effective 9-1-53 to 4-30-54; 25 high school students only for part time employment; looping only, 960 hours, 63 cents per hour for the first 480 hours and 68 cents per hour for the remaining 480 hours (seamless hosiery) (replacement certificate).

Fashion Embroidery Co., 1307 Washington Avenue, St. Louis, Mo., effective 8-27-53 to 2-26-54; 2 learners; embroidery machine

operator, 320 hours at 65 cents per hour (embroidery and nailhead trimmings on belts and buttons).

Royal Mills, Inc., 112 Gordon Street, Dalton, Ga., effective 8-27-53 to 2-26-54; 5 learners; sewing machine operator, 320 hours at 65 cents per hour for the first 160 hours and 70 cents per hour for the next 160 hours (bedspreads and housecoats).

Whitener Chenille Co., Route No. 1, Dalton, Ga., effective 8-27-53 to 2-26-54; 5 learners; chenille machine operators, 320 hours at 65 cents per hour for the first 160 hours and 70 cents per hour for the next 160 hours (chenille rugs and spreads).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 31st day of August 1953.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 53-7852; Filed, Sept. 9, 1953; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6350, E-6445]

CONSOLIDATED GAS ELECTRIC LIGHT AND POWER CO. OF BALTIMORE ET AL.

ORDER CONSOLIDATING PROCEEDINGS, SETTING HEARING, LIMITING ISSUES IN CERTAIN RESPECTS AND REFUSING TO DO SO IN OTHERS, ADDING PARTIES RESPONDENT, ORDERING CERTAIN SHOWINGS TO BE MADE, AND PRESCRIBING OTHER PROCEDURE TO BE FOLLOWED

Consolidated Gas Electric Light and Power Company of Baltimore v. Pennsylvania Water & Power Company, respondent, Public Service Commission of Maryland, intervenor; Docket No. E-6445. Public Service Commission of Maryland v. Pennsylvania Water & Power Company, Susquehanna Transmission Company of Maryland, Safe Harbor Water Power Corporation, Consolidated Gas Electric Light and Power Company of Baltimore, Metropolitan Edison Company, Pennsylvania Power & Light Company, and Philadelphia Electric Company, respondents, Pennsylvania Public Utility Commission, intervenor; Docket No. E-6350.

The Maryland Commission's complaint filed April 10, 1951, in Docket No. E-6350 alleges disclosure of an intention upon the part of Penn Water[1] to divert from Maryland a portion of the output of Safe Harbor's and Penn Water's licensed hydroelectric plants on the Susquehanna River theretofore operated under Safe Harbor's Rate Schedule FPC No. 1[2] and Penn Water's Rate Schedule "A."[3] Under that mode of operation those plants were pooled with Penn Water's steam plant at Holtwood, with the power sources of the Baltimore Company to the south, and with some of the power sources of P. P. & L., M. E., and P. E. to the north. The complaint requests the Commission to direct the continuance of the physical facilities and pooling operations as previously carried on, and to take such action as may be necessary to assure the Maryland public a fair and equitable portion of the hydroelectric energy generated by the Susquehanna River, in both Pennsylvania and Maryland, at fair and reasonable rates, and to determine the proper, adequate and sufficient service to be furnished by Penn Water and Safe Harbor to Consolidated.

The answer of Baltimore Company to that complaint asks the Commission to determine the just and reasonable contract to be observed and in force between Consolidated and Penn Water and between Consolidated and Safe Harbor, and the proper, adequate, and sufficient service to be rendered to Consolidated by Penn Water and Safe Harbor.

Baltimore Company's complaint filed July 23, 1952, in Docket E-6445 alleges that because of changes occurring after the test year upon which the rates fixed by the Commission's orders in Docket No. IT-5915 were based those rates have become unduly discriminatory against Baltimore Company and preferential to the other electric utility customers of Penn Water, i. e., P. P. & L., M. E., and P. E. It also alleges that the credit allowed Baltimore Company for backfeed capacity services it renders to Penn Water has become unreasonably low since the hearing in Docket No. IT-5915.

Penn Water's answer in E-6445, filed August 27, 1952, seeks to reopen questions which appear to have been adjudicated by the Commission as to the rates prescribed by the Commission and in addition asks for a change in the prescribed rates (i) to reflect changes which it alleges have caused the rate of return allowed by the Commission to become unreasonably low, and (ii) to fix rates in terms of a unit of payment per unit of service rendered, in lieu of the residual cost of service payment previously prescribed, because of disputes which have arisen under the residual form of rate. (Such disputes are involved in Docket No. E-6441, now in the course of hearing, and it appears from the nature of the issues in that proceeding that disputes may continue to arise and accumulate as long as the residual cost of service payment previously prescribed continues in effect.) Penn Water also has repeatedly manifested an intention to file new rate schedules which will provide for a changed service ("more effective utilization of Penn Water's hydro resources") and cause a determination of the issues with respect to the present service to become merely moot and a "waste of time."

Other allegations in the complaints and answers in the two proceedings need not be referred to at this time.

The Commission's Staff has been advised informally from time to time that subsequent to the filing of the complaint in Docket No. E-6350 Penn Water has maintained its facilities for the operations as previously conducted under the aforementioned rate schedules and has continued to render the service contemplated by those schedules, although load growths and other changes on the customer companies' systems have resulted in an increase in the amount of Penn Water's hydroelectric capacity which is dependable on the loads. This result may require a reconsideration of the allocation of Penn Water's costs of service among its customers. The Commission's Staff has also been similarly advised that Penn Water has constructed or is constructing additional transmission facilities and a steam electric generating plant near Holtwood, which would involve changes in the total services rendered both by Safe Harbor and Penn Water, and changes in the parts thereof rendered to each customer.

The Commission's Staff has also been advised informally from time to time of various negotiations carried on between Penn Water and Baltimore Company looking toward possible agreement for settlement of issues in these proceedings and/or in other controversies and litigation between them; that such negotiations were broken off and subsequently resumed and ultimately broken off in June of 1953, following which there has been no resumption.

The Maryland Commission by motions filed in Docket Nos. E-6350 and E-6445 on August 20, 1953, and August 21, 1953, respectively, has moved that these dockets be separately set for prompt hearings, that all issues regarding Penn Water's rates and services, except correction of the existing discrimination between customers, be determined in No. E-6350, and that Docket No. E-6445 be set for prompt hearing solely for the prompt correction of rate discrimination caused by increased costs, and be given priority over all other Penn Water matters now pending before this Commission. Baltimore Company by motion filed August 24, 1953, in Docket E-6445 made similar requests alleging that the discrimination now causes Baltimore Company to pay $1,739,000 per year which should be paid by the Pennsylvania customers. Baltimore Company characterizes the relief it seeks in Docket E-6445 as relief which "would not

[1] Safe Harbor Water Power Corporation is referred to herein as "Safe Harbor"; Consolidated Gas Electric Light and Power Company of Baltimore as "Consolidated" or "Baltimore Company"; Pennsylvania Water & Power Company as "Penn Water" and shall be deemed to include its subsidiary Susquehanna Transmission Company of Maryland; Public Service Commission of Maryland as "Maryland Commission"; Metropolitan Edison Company as "M. E."; Pennsylvania Power & Light Company as "P. P. & L."; and Philadelphia Electric Company as "P. E."

[2] Filed in compliance with the Commission's order, 5 F. P. C. 221, affirmed 179 F. 2d 179, certiorari denied, 339 U. S. 957.

[3] Prescribed by this Commission's order issued October 27, 1949, in Docket No. IT-5915, 8 F. P. C. 1193 (affirmed 193 F. 2d 230, 343 U. S. 414) and now designated "Penn Water's Supplement No. 2 to Rate Schedule FPC No. 1" and "Supplement No. 1 to Penn Water's Rate Schedule FPC No. 3."

change Penn Water's return" although it elsewhere prays for "bringing to date the 1946 costs on which the present rate schedules were prescribed." For reasons which will be noticed these requests should be granted only insofar as hereinafter provided.

Penn Water has been granted an extension of time within which to respond to these motions. Any objection Penn Water might urge will probably be rendered moot by the action taken herein and we find it appropriate to carry out the provisions of the Act to proceed without awaiting their response.

The Commission's Staff has been advised informally and only in very general terms that in the negotiations between Penn Water and Baltimore Company, partial and tentative agreement, contingent upon subsequent overall agreement, had been reached for broadening the pooling operation to include Penn Water's new steam plant and for more extensive integration with the systems of one or more of Penn Water's utility customers to the north. Also that there was in such agreement provision for changes in the total services to be rendered by the facilities of Safe Harbor and Penn Water· changes in the parts of such totals to be rendered to each customer· and changes in the services to be rendered by some or all of those customers to Penn Water or among themselves.

The Staff has further been advised informally that similar agreement had been reached upon methods of unit payment per unit of service for the services Penn Water would render Baltimore Company and the services Baltimore Company would render Penn Water· also upon method of defining the total services to be rendered by Penn Water to its customers and the method of defining the parts thereof to be rendered each customer, the definition of Baltimore Company's part being contingent upon changes in the present method of defining the parts of the three Pennsylvania utilities.

The Staff has not been advised of arrangements with Penn Water's utility customers to the north, or the positions of those customers as to the redefinition of Penn Water's services to them which would be required by the redefinition of Penn Water's services to Baltimore Company.

It appears that issues with respect to the lawfulness of rates for the services presently being rendered between Penn Water and Baltimore Company may become moot before hearings can be completed, briefs filed, arguments had, and any Commission action with reference thereto taken, or at least before any Commission-prescribed rate could be made effective; hence that a firm resolution of the controversy between those companies with respect to rates for services to be rendered between them will depend upon resolution of the issues in Docket E–6350 with respect to the services.

Furthermore, while reserving final decision pending completion of the hearing and pending consideration of the briefs and arguments, the Commission is of the opinion that at this time the issues upon which evidence should be received in Docket No. E–6445 properly should not be confined to the elimination of discrimination among Penn Water's customers even if that proceeding were to be determined without consolidation with those in Docket E–6350, but should include any issues as to the lawfulness of the rate in the light of the IT–5915 Commission decision and relevant Commission precedents, and insofar as affected by changes occurring since the hearing in Docket No. IT–5915, and also any question as to the form of rate insofar as affected by the disputes which have arisen or become more serious since that hearing.

The proceedings in Docket Nos. E–6350 and E–6445 reflect only part of the controversies between Penn Water and Baltimore Company calling for the attention of this Commission, its Examiners, and Staff. Other such proceedings are Docket No. E–6441, above referred to, and Docket No. E–6512 begun July 28, 1953, requesting a declaratory determination with respect to the relation of the orders in Docket No. IT–5915 to Penn Water's rates and service to the Pennsylvania Railroad. Limitations upon the Staff and funds of the Commission compel limitation in the public interest of the time devoted and the expenses incurred in the resolution of the controversies of these parties.

Well-understood Commission precedents make it feasible to require that Penn Water and Baltimore Company submit exhibits at the hearing showing their respective costs of service in a form suitable for Commission use. The Staff will be available for consultation as to the form and manner of presentation of data in such exhibits, and the hearing thereon of Commission precedents.

The Commission finds: It is reasonable and appropriate and in the public interest to consolidate proceedings, set hearing, add parties respondent, limit issues in certain respects and refuse to limit issues in others, and order certain showings to be made, as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. E–6350 and E–6445 be and the same hereby are consolidated.

(B) A public hearing be held in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., commencing at 10 a. m., e. s. t. on October 19, 1953, concerning the matters involved and the issues presented in Docket Nos. E–6350 and E–6445, including: (i) The determination of the services to be rendered or which should be rendered by Penn Water to its customers, by Safe Harbor to its customers, and by customers of Penn Water to Penn Water and its customers, or any of them; (ii) the determination of what, if any, Commission regulation should be imposed or other Commission action taken to direct or fix any of such services or to assure the proper operation of Penn Water's or Safe Harbor's licensed project; (iii) the determination of the lawful rates for such services, the method of defining and expressing such rates, and what, if any, Commission regulation should be imposed, or rate or change directed, prescribed or fixed, or other Commission action taken, with respect to rates for such services.

(C) If feasible the hearing in the consolidated proceeding shall be held before the same Examiner as conducts the hearing in Docket No. E–6441, and such consolidated proceedings shall be given priority in case of conflict over those in that docket.

(D) The issues to be heard shall be strictly limited to exclude any issue, sought to be raised by any party, which has heretofore been adjudicated by the Commission in the most recent proceeding for fixing the rates of Penn Water or Safe Harbor, respectively, except as (i) there are to be changes in the services to be rendered; (ii) there have been changes in relevant and material facts since those decisions were rendered which now require (consistently with the principles followed in those decisions) a different adjudication; or (iii) there may have been changes in relevant Commission precedents since such decision.

(E) At the hearing Penn Water and Consolidated shall show by exhibits or testimony the terms of their tentative or contingent agreement reached or discussed before negotiations between them were broken off in June 1953, and any similar agreement by Penn Water with any of its Pennsylvania utility customers, such showings to be entirely without prejudice.

(F) Metropolitan Edison Company, Pennsylvania Power & Light Company, and Philadelphia Electric Company, hereby are added as additional parties respondent in Docket No. E–6350 and at the hearing shall show what amount and character of service they would be willing to purchase from Penn Water under the redefinition of Penn Water's services to those companies which would be necessitated by the redefinition of its services to Baltimore Company contemplated in the tentative and contingent agreements reached or discussed as of the time when the negotiations between· Penn Water and Baltimore Company were broken off in June of this year.

(G) Penn Water shall show (a) its total cost of service and (b) the part of that total cost of service allocable to the service of each customer, and Consolidated shall show cost of the service it may render to Penn Water, under the service arrangements contemplated by the tentative and contingent agreements reached or discussed as of the time when negotiations were broken off in June of this year, by submitting at the hearing exhibits prepared in accordance with the methods used by the Commission in Docket No. IT–5915, subject to the exceptions stated in paragraph (D), above, and in all other respects in accordance with relevant Commission precedents; such showing to be without prejudice to any contention they may wish to make.

Adopted: September 2, 1953.

Issued: September 3, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53–7871; Filed, Sept. 9, 1953; 8:51 a. m.]

[Docket No. E-6507]

DUKE POWER CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

SEPTEMBER 2, 1953.

Notice is hereby given that on September 1, 1953, the Federal Power Commission issued its supplemental order adopted September 1, 1953, authorizing issuance of securities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7854; Filed, Sept. 9, 1953; 8:47 a. m.]

[Docket Nos. G-1921, G-1922, G-1969]

TENNESSEE GAS TRANSMISSION CO. AND NIAGARA GAS TRANSMISSION, LTD.

NOTICE OF OPINION AND ORDER

SEPTEMBER 2, 1953.

In the matters of Tennessee Gas Transmission Company and Niagara Gas Transmission Limited, Docket No. G-1921, Tennessee Gas Transmission Company, Docket Nos. G-1922 and G-1969.

Notice is hereby given that on September 1, 1953, the Federal Power Commission issued its Opinion No. 261 and order adopted August 27, 1953, authorizing exportation of natural gas to Canada (Docket No. G-1921) and issuing certificate of public convenience and necessity (Docket No. G-1969) in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7855; Filed, Sept. 9, 1953; 8:48 a. m.]

[Docket No. G-2055]

UNITED FUEL GAS CO.

ORDER GRANTING STAY OF ORDER

The Commission, on August 7, 1953, issued its Opinion No. 258 and order disposing of the matters involved in the above-entitled proceeding. On August 31, 1953, United Fuel Gas Company filed an application for rehearing and requested therein a stay of the Commission's order of August 7, 1953, insofar as it relates to Docket No. G-2055.

The Commission orders: The request by United Fuel Gas Company for stay of the Commission's order of August 7, 1953, be and it hereby is granted, and said order of the Commission is stayed pending disposition of the application for rehearing, but in no event later than October 1, 1953.

Adopted: September 2, 1953.

Issued: September 3, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7872; Filed, Sept. 9, 1953; 8:51 a. m.]

[Docket No. G-2233]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 3, 1953.

Take notice that on August 21, 1953, Southern Natural Gas Company (Applicant) a Delaware corporation with its principal office in Birmingham, Alabama, filed an application with the Federal Power Commission, pursuant to section 7 (b) of the Natural Gas Act, requesting authority to abandon its Town border measuring station, having a capacity of 233 Mcf per hour, at Yazoo City, Mississippi, and 1.76 miles of 4½-inch tap line running northward from Applicant's main North line and ending at the aforesaid measuring station, both of which are being used for the sale of natural gas to Mississippi Valley Gas Company for distribution within Yazoo City.

In addition, Applicant, pursuant to section 7 (c) of the Natural Gas Act, requests a certificate of public convenience and necessity to construct and operate a new Town border measuring station, having a capacity of 535 Mcf per hour, to be located at Yazoo City, approximately 3.56 miles westward from the present Yazoo City tap, and at a point on Applicant's main North line, near where that line crosses U. S. Highway No. 49, and which is to be used for the same purpose described above. Applicant anticipates that the proposed construction will cost $24,350, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 23d day of September 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7853; Filed, Sept. 9, 1953; 8:47 a. m.]

[Project No. 1865]

MARTIN L. ANDERSON

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

SEPTEMBER 2, 1953.

Notice is hereby given that on August 7, 1953, the Federal Power Commission issued its order adopted August 5, 1953, issuing new license (Minor) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7856; Filed, Sept. 9, 1953; 8:48 a. m.]

[Project No. 1871]

JOHN OSTRAT

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

SEPTEMBER 2, 1953.

Notice is hereby given that on August 6, 1953, the Federal Power Commission issued its order adopted July 29, 1953, issuing new license (Minor) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7857; Filed, Sept. 9, 1953; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

MONITORING STATION; ANCHORAGE, ALASKA

ORDER CHANGING DESIGNATION OF STATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of September 1953;

It is ordered, Under the authority of the Communications Act of 1934, as amended, that;

The monitoring station of the Federal Communications Commission at Anchorage, Alaska, be hereby designated a Secondary Monitoring Station in lieu of its present designation as a Primary Monitoring Station.

This order shall become effective immediately.

Released: September 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7885; Filed, Sept. 9, 1953; 8:54 a. m.]

SECRETARY

DELEGATION OF AUTHORITY WITH RESPECT TO OPERATOR EXAMINATION POINTS

In the matter of delegation of authority to modify the list of operator examination points set forth in section 0.213 (c) and the Appendix to Part 12 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of September 1953;

The Commission having under consideration its Radio Operator Examination procedure; and

It appearing, that examinations for various classes of operator licenses, both Amateur and Commercial, which Commission examiners give at certain points throughout the United States, its Territories and Possessions at quarterly, semi-annual, or annual intervals are not justified at present intervals because of insufficient applicants and that examinations should be given more or less frequently at such points as the need may appear; and

It further appearing, that the function of determining the locations and frequency of such examination and modifying of section 0.213 (c) and the appendix of Part 12 of the Commission's rules accordingly should be delegated to the staff in order to expedite the conduct of such examinations;

It is ordered, Under the authority contained in section 5 (d) (1) of the Communications Act of 1934, as amended, that effective immediately authority is delegated to the Secretary upon securing the approval of the Field Engineering and Monitoring Bureau to delete or modify, from time to time, as need may appear, the location of radio operator examination points as set forth in section 0.213 and the appendix to Part 12 of the Commission's rules.

Released: September 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7887; Filed, Sept. 9, 1953; 8:54 a. m.]

[U. S. Change List 522]

U. S. STANDARD BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 2, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

This notification consists of a list of changes, proposed changes, and corrections in assignments of United States Standard Broadcast Stations modifying the appendix containing assignments of United States Standard Broadcast Stations, Mimeograph No. 48126, attached to the "Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941" as amended.

UNITED STATES

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Date of FCC action	Proposed date of change or commencement of operation
		990 Kilocycles					
KLIR	Denver, Colo. (correction of error in antenna and schedule, change List No. 518).	1.0	ND	D	II		
		1150 Kilocycles					
WDIX	Orangeburg, S. C. (change in call letter from WRNO).						
		1270 Kilocycles					
WLON	Lincolnton, N. C.	0.5	ND	D	III		Now in operation.
		1290 Kilocycles					
(NEW)	Thayer, Mo.	1.0	ND	D	III	Sept. 2, 1953	Sept. 2, 1954.
KALM	Alton, Mo.	(Delete assignment).					
		1500 Kilocycles					
WPXY	Punxsutawney, Pa. (PO: 1290kc 0.5 ND D III).	1.0	ND	D	III	do	Do.
		1560 Kilocycles					
KCLS	Flagstaff, Ariz.	5.0	ND	D	III		Now in operation.
		1580 Kilocycles					
(NEW)	Waverly, Ohio	1.0	DA	D	III	Sept. 2, 1953	Sept. 2, 1954.
		1420 Kilocycles					
WLNA	Peekskill, N. Y. (correction of error in location, change List No. 509).						
		1450 Kilocycles					
(NEW)	Commerce, Tex.	0.25	ND	U	IV	Sept. 2, 1953	Sept. 2, 1954.
		1540 Kilocycles					
WPME	Punxsutawney, Pa. (correction of error in call letters, change List No. 498).						
		1580 Kilocycles					
WDQN	Du Quoin, Ill. (correction of error in call letters, change List No. 519).						

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7888; Filed, Sept. 9, 1953; 8:54 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-457]

CUSTOM-MADE ORTHOPEDIC APPLIANCE INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Custom-Made Orthopedic Appliance Industry will be held by the Federal Trade Commission in the Grand Ballroom of the Drake Hotel, Chicago, Illinois, on October 1, 1953, commencing at 2:00 p. m., c. s. t.

The industry for which the conference is scheduled consists of persons, firms, corporations, and organizations engaged in the sale of orthopedic appliances which have been specially designed and constructed or structurally altered for use by a particular individual; and all persons, firms, corporations, and organizations so engaged are cordially invited to attend and to participate in the conference proceedings.

The purpose of the conference is to afford opportunity to the industry members to cooperate with the Commission in the formulation and establishment of a comprehensive set of trade practice rules for industry guidance and adherence. Such rules are to be directed to the elimination and prevention of unfair competitive methods and practices in the marketing of industry products.

Issued: September 4, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 53-7845; Filed, Sept. 9, 1953; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-53, 54-182, 59-40, 59-49]

CENTRAL PUBLIC UTILITY CORP. ET AL.

ORDER AUTHORIZING PAYMENT OF FEES AND EXPENSES AND DENYING REQUEST FOR HEARING

SEPTEMBER 3, 1953.

In the matter of Central Public Utility Corporation et al., applicants, File No. 54-182; Central Public Utility Corporation et al., respondents, File No. 59-40; Christopher H. Coughlin, W T. Crawford and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to Common stock of Central Public Utility Corporation, applicants, File No. 54-53; Christopher H. Coughlin et al., voting trustees, respondents, File No. 59-49.

The Commission on June 13, 1952, having issued its findings and opinion and order approving a plan for the reorganization of Central Public Utility Corporation ("Central Public"), a registered holding company pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935; and said order having reserved jurisdiction over the payment

of fees and expenses incurred in connection with the plan proceedings; and said plan having since been consummated and carried out in accordance with its terms; and

Applications and amendments thereto having been filed for payment of fees and reimbursement of expenses for services rendered in said proceedings, and Wade H. Cooper, an applicant for a fee having, on January 15, 1953, requested a fee of $10,000 and having, on July 28, 1953, filed a statement agreeing to accept such allowance as might be allowed by the Commission, and having, on July 30, 1953, filed a motion requesting a hearing on all claims for fees or compensation or allowances "of any consequence"; and

Central Public having stated that it is prepared to pay the amounts of fees and expenses hereinafter itemized; and

The Commission having considered the applications and the amounts requested, and being of the opinion that the allowances as hereafter itemized are reasonable, and that an order should be entered approving and directing the payment thereof by Central Public; and

The Commission having considered the request of Wade H. Cooper for a hearing and it appearing that said applicant has no standing to object to the applications made by or payments made to other fee applicants and that said applicant has agreed to accept such allowance for himself as may be allowed by the Commission:

It is ordered, That such request for a hearing be, and hereby is denied.

It is further ordered, That the applications as filed, or as amended in certain instances including the amendment by Wade H. Cooper, for services and reimbursements of expenses, in the following amounts, be, and hereby are, approved, and Central Public is directed to pay such amounts to the respective applicants to the extent such amounts have not heretofore been paid:

	Fees	Expenses	Total
Counsel for Central Public:			
Duke and Landis	$60,000.00	$7,484.54	$67,484.54
James R. Morford	2,000.00	174.65	2,174.65
Samuel Hartt, expert witness	5,759.25	913.78	6,673.03
Bondholders' Protective Committee:			
Nemrov & Shapiro, counsel	5,000.00	727.98	5,727.98
Theodore R. Mackoul, expert witness	2,500.00	----------	2,500.00
Members:			
Max M. Hammerling	500.00	----------	500.00
Harold Barnett	500.00	----------	500.00
Trustee for Bondholders:			
Baltimore National Bank	5,000.00	711.35	5,711.35
Piper & Marbury, Counsel	15,000.00	----------	15,000.00
Wade H. Cooper, Intervenor	1,000.00	----------	1,000.00

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-7860; Filed, Sept. 9, 1953; 8:49 a. m.]

[File No. 70-3123]

AMERICAN NATURAL GAS CO. AND AMERICAN LOUISIANA PIPE LINE CO.

ORDER POSTPONING DATE FOR HEARING

SEPTEMBER 3, 1953.

American Natural Gas Company, a registered holding company, and American Louisiana Pipe Line Company, a non-utility subsidiary thereof, having filed a joint application-declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935;

The Commission having issued a notice and order for hearing directing that a hearing be held on said application-declaration on September 10, 1953, at 10:00 a. m., e. d. s. t., at the office of the Commission, 425 Second Street NW., Washington, D. C., and

The State of Wisconsin, by its Attorney General, having requested that said hearing date be postponed by reason of the inability of said Attorney General to attend the hearing directed to be held on September 10, 1953:

The Commission finding that a postponement of said hearing until September 21, 1953, would not be inappropriate and would not be against the public interest or the interest of investors or consumers:

It is ordered, That the hearing on said matter now set for September 10, 1953 be postponed and that a hearing thereon be held on September 21, 1953, at the same hour and place as heretofore ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-7859; Filed, Sept. 9, 1953; 8:49 a. m.]

[File No. 70-3126]

LOUISIANA POWER & LIGHT CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS AND ISSUANCE AND SALE TO BANKS OF NOTES IN MAXIMUM AGGREGATE AMOUNT PURSUANT TO CREDIT AGREEMENT

SEPTEMBER 3, 1953.

Louisiana Power & Light Company ("Louisiana") a utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and having designated sections 6 (a), 7, and 12 (c) of the act and Rule U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Pursuant to authorization of this Commission dated November 23, 1951, Louisiana entered into a Credit Agreement with certain banks permitting the borrowing of up to $13,000,000 to be due in two years with an option to Louisiana, subject to Commission approval, to renew the Credit Agreement, or notes issued thereunder, for an additional three years. Louisiana has issued notes aggregating $11,342,500 under said Credit Agreement which are payable on or before February 15, 1954. Louisiana proposes to issue and sell $12,000,000 principal amount of its First Mortgage Bonds, __ Percent Series due 1933, the proceeds of which will be used for construction and for the payment of the notes issued under the Credit Agreement. The coupon rate of the Bonds (which shall be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid to Louisiana for the Bonds (which shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount) are to be fixed by competitive bidding in accordance with Rule U-50.

Louisiana also proposes, in order to meet contemplated construction expenditures, to renew said Credit Agreement for an additional three-year period. Notes issued to evidence borrowing thereunder (not more than $13,000,000 in principal amount to be outstanding at any one time) will be payable on or before February 15, 1957, and shall bear interest at a rate which shall be ¼ of 1 percent above the prime commercial rate for unsecured loans prevailing from time to time of the Chase National Bank of the City of New York, one of the lending banks, but shall not exceed 3¼ percent or be less than 2½ percent. Louisiana will also pay a commitment fee of ¼ of 1 percent per annum on the average daily unused amount of the loan commitment under the Credit Agreement.

The filing further states that no state or Federal regulatory body, other than this Commission, has jurisdiction over any of the proposed transactions. It requests that the Commission's order become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding with respect thereto shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-7861; Filed, Sept. 9, 1953; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28412]

WOODPULP FROM BRUNSWICK, GA., TO MEDICINE LODGE, KANS.

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: Brunswick, Ga.

To: Medicine Lodge, Kans.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, tariff I. C. C. No. 1260, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7873; Filed, Sept. 9, 1953; 8:52 a. m.]

[4th Sec. Application 28413]

CEMENT FROM PHOENIXVILLE, ALA., TO FLORENCE, ALA., GROUP

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Cement and related articles, carloads.

From Phoenixville, Ala.

To: Florence, Ala., and points grouped therewith.

Grounds for relief: Competition with rail carriers, circuitous routes, additional route.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7874; Filed, Sept. 9, 1953; 8:52 a. m.]

[4th Sec. Application 28414]

BICARBONATE OF SODA AND SAL SODA FROM MICHIGAN, NEW YORK, OHIO, AND WEST VIRGINIA TO HOLSTON AND KINGSPORT, TENNESSEE

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4510 and Agent C. W Boin's tariff I. C. C. No. A-968.

Commodities involved: Sodium, bicarbonate of (saleratus) and sal soda, carloads.

From: Points in Michigan, New York, Ohio, and West Virginia.

To: Holston and Kingsport, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, additional commodities.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, many be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7875; Filed, Sept. 9, 1953; 8:52 a. m.]

[4th Sec. Application 28415]

RAG OR COTTON FIBRE PULP FROM FRANKLIN, OHIO, TO HUGHESVILLE, RUGELSVILLE, AND WARREN GLEN, N. J.

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Rag or cotton fibre pulp, carloads.

From: Franklin, Ohio (Warren County)

To: Hughesville, Rugelsville, and Warren Glen, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7876; Filed, Sept. 9, 1953; 8:52 a. m.]

[4th Sec. Application 28416]

AUTOMOBILE BODIES FROM CHICAGO, ILL. TO MARYLAND, MASSACHUSETTS, NEW JERSEY AND DELAWARE

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Bodies, automobile, and body parts or assembly material, carloads.

From: Chicago, Ill.

To: Points in Maryland, Massachusetts, New Jersey, and Delaware.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the

Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7877; Filed, Sept. 9, 1953; 8:52 a. m.]

[4th Sec. Application 28418]

MIXED CARLOADS MERCHANDISE FROM CANTON, ILL., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Canton, Ill.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers, to maintain grouping.

Schedules filed containing proposed rates: R. G. Raasch, Agent, tariff I. C. C. No. 752, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7879; Filed, Sept. 9, 1953; 8:52 a. m.]

[4th Sec. Application 23417]

MIXED CARLOADS MERCHANDISE FROM CHICAGO, ILL., GROUP, TO BAY SPRINGS, MISS.

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Chicago, Ill., and points grouped therewith.

To: Bay Springs, Miss.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers.

Schedules filed containing proposed rates: R. G. Raasch, Agent, tariff I. C. C. No. 752, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7878; Filed, Sept. 9, 1953; 8:52 a. m.]

[4th Sec. Application 28419]

LIQUID CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO AUSTIN, IND.

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for the Illinois Central Railroad Company and other carriers.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Austin, Ind.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1351, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7880; Filed, Sept. 9, 1953; 8:53 a. m.]

[4th Sec. Application 28420]

SCRAP IRON FROM SOUTHERN TERRITORY TO ASHTABULA AND ZANESVILLE, OHIO

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron and steel, carloads.

From: Points in southern territory.

To: Ashtabula and Zanesville, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1329, Supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7881; Filed, Sept. 9, 1953; 8:53 a. m.]

[4th Sec. Application 28421]

MOTOR-RAIL RATES BETWEEN BOSTON, MASS., AND NEW HAVEN, CONN., SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Peerless Motor Express, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Boston, Mass., and New Haven, Conn.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7882; Filed, Sept. 9, 1953; 8:53 a. m.]

[4th Sec. Application 28422]

MOTOR-RAIL RATES BETWEEN NEW HAVEN, CONN., AND WORCESTER, MASS., AND HARLEM RIVER, N. Y., AND BETWEEN BOSTON, MASS., AND PROVIDENCE, R. I., AND NEW HAVEN, CONN., SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Hartford Transportation Company, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: New Haven, Conn., and Worcester, Mass., on the one hand, and Harlem River, N. Y., on the other: also between Boston, Mass., and Providence, R. I., on the one hand, and New Haven, Conn., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the applicaion. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7883; Filed, Sept. 9, 1953; 8:53 a. m.]

[4th Sec. Application 28423]

MOTOR-RAIL RATES BETWEEN SPRINGFIELD, MASS., AND HARLEM RIVER, N. Y., AND EDGEWATER AND ELIZABETH, N. J., SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

SEPTEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Highway Express Co.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Springfield, Mass., on the one hand, and Harlem River, N. Y., Edgewater and Elizabeth, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7884; Filed, Sept. 9, 1953; 8:53 a. m.]